

South Carolina General Assembly
121st Session, 2015-2016

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R298, H3440

STATUS INFORMATION

General Bill

Sponsors: Reps. Crosby, Daning, George and Clemmons

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Introduced in the House on January 28, 2015

Introduced in the Senate on January 14, 2016

Last Amended on May 31, 2016

Currently residing in the House

Governor's Action: June 10, 2016, Vetoed

Legislative veto action(s): Pending

Summary: Moped

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
1/28/2015	House	Introduced and read first time (House Journal-page 11)
1/28/2015	House	Referred to Committee on Education and Public Works (House Journal-page 11)
5/28/2015	House	Committee report: Favorable with amendment Education and Public Works (House Journal-page 103)
6/2/2015	House	Debate adjourned until Wed., 6-3-15 (House Journal-page 50)
6/3/2015	House	Requests for debate-Rep(s). Brown, Daning, McEachern, Douglas, Williams, Jefferson, Pitts, Gagnon, JE Smith, Thayer, Hill, WJ McLeod, George, Kirby, Cole, Henegan, Hicks, Hiott (House Journal-page 31)
6/3/2015	House	Debate adjourned until Thur., 1-4-15 (House Journal-page 190)
6/4/2015	House	Debate adjourned until Thur., 1-14-16 (House Journal-page 41)
1/13/2016	House	Member(s) request name added as sponsor: Clemmons
1/13/2016	House	Amended (House Journal-page 24)
1/13/2016	House	Read second time (House Journal-page 24)
1/13/2016	House	Roll call Yeas-67 Nays-41 (House Journal-page 58)
1/14/2016	House	Adopted, sent to Senate
1/14/2016	Senate	Introduced and read first time (Senate Journal-page 8)
1/14/2016	Senate	Referred to Committee on Transportation (Senate Journal-page 8)
3/22/2016	Senate	Committee report: Favorable with amendment Transportation (Senate Journal-page 9)
3/23/2016		Scrivener's error corrected
5/24/2016	Senate	Read second time (Senate Journal-page 26)
5/31/2016	Senate	Committee Amendment Amended and Adopted (Senate Journal-page 70)
5/31/2016	Senate	Amended (Senate Journal-page 70)
6/2/2016	Senate	Read third time and returned to House with amendments

([Senate Journal-page 52](#))
 6/2/2016 Senate Roll call Ayes-41 Nays-1 ([Senate Journal-page 52](#))
 6/2/2016 House Concurred in Senate amendment and enrolled
 ([House Journal-page 73](#))
 6/2/2016 House Roll call Yeas-68 Nays-31 ([House Journal-page 73](#))
 6/6/2016 Ratified R 298
 6/10/2016 Vetoed by Governor
 6/15/2016 House Veto sustained Yeas-65 Nays-47 ([House Journal-page 41](#))
 6/15/2016 House Roll call Yeas-65 Nays-47 ([House Journal-page 46](#))
 6/15/2016 House Reconsidered ([House Journal-page 121](#))
 6/15/2016 House Roll call Yeas-18 Nays-74 ([House Journal-page 125](#))
 6/15/2016 House Veto overridden by originating body Yeas-69 Nays-33
 ([House Journal-page 128](#))

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VERSIONS OF THIS BILL

[1/28/2015](#)

[5/28/2015](#)

[1/13/2016](#)

[3/22/2016](#)

[3/23/2016](#)

[5/31/2016](#)

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.

(R298, H3440)

AN ACT TO AMEND SECTION [56-1-10](#), AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE ISSUANCE OF DRIVER'S LICENSES, SO AS TO REVISE THE DEFINITION OF CERTAIN TERMS AND TO ADD THE TERMS "MOPED", "DAYLIGHT HOURS", AND "VEHICLE" AND THEIR DEFINITIONS; TO AMEND SECTION [56-1-30](#), RELATING TO PERSONS EXEMPT FROM OBTAINING A DRIVER'S LICENSE, SO AS TO DELETE THE TERM "ARTICLE" AND REPLACE IT WITH THE TERM "CHAPTER"; TO AMEND SECTION [56-1-50](#), AS AMENDED, RELATING TO THE ISSUANCE OF A BEGINNER'S PERMIT, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT RELATES TO THE OPERATION OF MOTOR SCOOTERS, LIGHT MOTOR-DRIVEN CYCLES AND MOPEDS, TO PROVIDE THAT A PERMITTEE MUST BE ACCOMPANIED BY A MOTORCYCLE-LICENSED DRIVER WHEN DRIVING A MOTORCYCLE DURING CERTAIN HOURS, TO PROVIDE THE LOCATION THAT AN ACCOMPANYING DRIVER MUST BE POSITIONED, AND TO DELETE AN OBSOLETE PROVISION; TO AMEND SECTION [56-1-175](#), RELATING TO THE ISSUANCE OF A CONDITIONAL DRIVER'S LICENSE, SO AS TO DELETE THE PROVISION THAT ALLOWS A LICENSEE TO OPERATE A MOTOR SCOOTER OR LIGHT MOTOR-DRIVEN CYCLE, AND THE PROVISION THAT DEFINES THE TERM "DAYLIGHT HOURS"; TO AMEND SECTION [56-1-180](#), RELATING TO THE ISSUANCE OF A SPECIAL RESTRICTED DRIVER'S LICENSE, SO AS TO PROVIDE ADDITIONAL LOCATIONS WHERE A LICENSEE MAY OPERATE A MOTOR VEHICLE, TO MAKE A TECHNICAL CHANGE, TO DELETE THE PROVISION THAT ALLOWS A LICENSEE TO OPERATE A MOTOR SCOOTER OR LIGHT MOTOR-DRIVEN CYCLE, AND TO DELETE THE PROVISION THAT DEFINES THE TERM "DAYLIGHT HOURS"; TO AMEND SECTION [56-1-185](#), RELATING TO THE REMOVAL OF THE RESTRICTIONS PLACED ON A CONDITIONAL OR SPECIAL RESTRICTED DRIVER'S LICENSE, SO AS TO PROVIDE THAT A BEGINNER'S PERMIT, CONDITIONAL LICENSE, OR SPECIAL RESTRICTED LICENSE MAY NOT BE ISSUED TO A PERSON CONVICTED OF

CERTAIN VIOLATIONS OF OPERATING A MOPED WHILE UNDER AGE OR WITHOUT A LICENSE FOR A CERTAIN PERIOD OF TIME; TO AMEND SECTION [56-1-1710](#), RELATING TO THE DEFINITION OF THE TERM MOPED, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION [56-1-1720](#), RELATING TO THE OPERATION OF A MOPED, SO AS TO REVISE THE FORM OF LICENSURE A PERSON MUST POSSESS TO OPERATE A MOPED, TO REVISE THE AGE OF A PERSON WHO MAY OBTAIN A MOPED OPERATOR'S LICENSE, TO REVISE THE TIME PERIOD WHEN CERTAIN PERSONS MAY OPERATE A MOPED, TO REVISE THE PENALTIES FOR A VIOLATION OF THIS PROVISION, AND TO DELETE THE PROVISION THAT PROHIBITS THE DEPARTMENT OF MOTOR VEHICLES FROM ISSUING A BEGINNER'S PERMIT OR A SPECIAL RESTRICTED LICENSE TO CERTAIN PERSONS CONVICTED OF A MOPED VIOLATION FOR A CERTAIN PERIOD OF TIME; TO AMEND SECTION [56-1-1730](#), RELATING TO THE ELIGIBILITY TO OBTAIN, SUSPENSION OF, AND REVOCATION OF A MOPED OPERATOR'S LICENSE, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION [56-2-2740](#), RELATING TO MOTOR VEHICLE REGISTRATION AND PROPERTY TAXES, SO AS TO PROVIDE FOR THE ISSUANCE OF MOPED VALIDATION DECALS, TO PROVIDE THE COST OF THE DECALS, AND TO PROVIDE THAT THE FEES COLLECTED FOR THE DECALS MUST BE USED TO DEFRAY THE COSTS OF THE DEPARTMENT OF MOTOR VEHICLES; BY ADDING ARTICLE 3 TO CHAPTER 2, TITLE 56 SO AS TO PROVIDE FOR THE REGISTRATION, TITLING, AND LICENSING OF MOPEDS, TO PROVIDE PENALTIES FOR A VIOLATION OF THIS ARTICLE, TO REGULATE THE OPERATION OF A MOPED, AND TO REGULATE THE SALE OF A MOPED; BY ADDING SECTION [56-2-4000](#) SO AS TO PROVIDE A PENALTY FOR A VIOLATION OF CHAPTER 2, TITLE 56; TO AMEND SECTION [56-3-20](#), RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGISTRATION AND LICENSING OF MOTOR VEHICLES, SO AS TO DELETE CERTAIN TERMS AND THEIR DEFINITIONS; TO AMEND SECTION [56-3-200](#), RELATING TO THE REGISTRATION OF A VEHICLE, SO AS TO PROVIDE THAT A CERTIFICATE OF TITLE IS NOT REQUIRED TO REGISTER A MOPED; TO AMEND SECTION [56-3-250](#), RELATING TO THE REGISTRATION AND LICENSING OF A MOTOR VEHICLE ONCE ALL LOCAL PROPERTY TAXES ARE PAID, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO A MOPED, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTIONS [56-3-630](#), AS AMENDED, AND SECTION [56-3-760](#), RELATING TO VEHICLES, CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES AND THE REGISTRATION FEE FOR CERTAIN VEHICLES, SO AS TO DELETE THE TERM "MOTOR-DRIVEN CYCLE" AND REPLACE IT WITH THE TERM "MOPED", AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTIONS [56-5-120](#) AND [56-5-130](#), RELATING TO THE TERMS "VEHICLE" AND "MOTOR VEHICLE" AND THEIR DEFINITIONS, SO AS TO DELETE BOTH SECTIONS; TO AMEND SECTION [56-5-140](#), RELATING TO THE TERM "MOTORCYCLE" AND ITS DEFINITION, SO AS TO DELETE THIS SECTION; TO AMEND SECTION [56-5-150](#), RELATING TO THE TERM "MOTOR-DRIVEN CYCLE" AND ITS DEFINITION, SO AS TO DELETE THIS SECTION; TO AMEND SECTION [56-5-155](#), RELATING TO THE TERM "MOTORCYCLE THREE-WHEEL VEHICLE" AND ITS DEFINITION, SO AS TO DELETE THIS SECTION; TO AMEND SECTION [56-5-165](#), RELATING TO THE TERM "MOPED" AND ITS DEFINITION, SO AS TO DELETE THIS SECTION; TO AMEND SECTION [56-5-361](#), RELATING TO THE TERM "PASSENGER CAR" AND ITS DEFINITION, SO AS TO DELETE THE TERM "MOTOR-DRIVEN CYCLES" AND ADD THE TERM "MOPEDS"; TO AMEND SECTION [56-5-410](#), RELATING TO THE TERM "OWNER" AND ITS DEFINITION, SO AS TO DELETE THIS SECTION; TO AMEND SECTION [56-5-1550](#), RELATING TO THE OPERATION OF A MOTOR-DRIVEN CYCLE, SO AS TO DELETE THIS SECTION; TO AMEND SECTION [56-5-1555](#), RELATING TO THE OPERATION OF A MOPED, SO AS TO RAISE THE MAXIMUM SPEED AT WHICH A MOPED MAY BE OPERATED; TO AMEND SECTION [56-4-4450](#), RELATING TO DISPLAY OF LIGHTS BY A VEHICLE DURING CERTAIN TIMES OF DAY, SO AS TO DELETE AN OBSOLETE PROVISION AND MAKE A TECHNICAL CHANGE; TO AMEND SECTION [56-9-20](#), AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS CONTAINED IN THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, SO AS TO DELETE AND REVISE CERTAIN TERMS AND THEIR DEFINITIONS; TO AMEND SECTION [56-9-110](#), RELATING TO

THE APPLICABILITY OF THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT TO CERTAIN ACCIDENTS OR JUDGMENTS, SO AS TO DELETE THIS SECTION; TO AMEND SECTION [56-10-520](#), RELATING TO THE OFFENSE OF OPERATING AN UNINSURED MOTOR VEHICLE, SO AS TO MAKE A TECHNICAL CHANGE AND PROVIDE THAT THIS SECTION APPLIES TO AN OPERATOR OF AN UNINSURED MOPED, WHO IS NOT THE REGISTERED OWNER OF THE MOPED, UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION [56-10-535](#), RELATING TO THE DEPARTMENT OF MOTOR VEHICLES REQUIRING A PERSON TO PROVIDE PROOF OF FINANCIAL RESPONSIBILITY AFTER A CONVICTION OF CERTAIN TRAFFIC OFFENSES, SO AS TO PROVIDE THAT THIS SECTION APPLIES TO A REGISTERED OWNER OF A MOPED; TO AMEND SECTION [56-15-10](#), AS AMENDED, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO REVISE THE DEFINITIONS OF THE TERMS "MOTOR VEHICLE" AND "MOTORCYCLE"; TO AMEND SECTION [56-16-10](#), RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTORCYCLE MANUFACTURES, DISTRIBUTORS, DEALERS, AND WHOLESALERS, SO AS TO REVISE THE DEFINITION OF THE TERM "MOTORCYCLE" AND REVISE THE TYPE OF VEHICLES REGULATED BY THIS CHAPTER; TO AMEND SECTION [56-19-10](#), AS AMENDED, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE PROTECTION OF TITLES TO AND INTERESTS IN MOTOR VEHICLES, SO AS TO DELETE CERTAIN TERMS AND THEIR DEFINITIONS; TO AMEND SECTION [56-19-220](#), RELATING TO VEHICLES THAT ARE EXEMPTED FROM THE REQUIREMENT TO OBTAIN A CERTIFICATE OF TITLE, SO AS TO MAKE A TECHNICAL CHANGE AND TO ADD MOPEDS TO THE LIST OF EXEMPTED VEHICLES; TO AMEND SECTION [38-77-30](#), RELATING TO TERMS AND THEIR DEFINITIONS REGARDING AUTOMOBILE INSURANCE, SO AS TO DELETE THE TERMS "MOTOR-DRIVEN CYCLES", "MOTOR SCOOTERS", AND "MOPEDS"; TO PROVIDE THAT A PERSON WHO SELLS, SOLICITS, OR ADVERTISES TO SELL CERTAIN MOPEDS PRIOR TO JULY 1, 2017, MUST LABEL THE MOPEDS WITH THEIR SPECIFICATIONS AND PROVIDE A METAL PLATE THAT IDENTIFIES THE VEHICLE, TO PROVIDE A PENALTY FOR FAILURE TO COMPLY WITH THIS PROVISION, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE CERTAIN MOPEDS WITHOUT THE METAL IDENTIFICATION PLATE, AND TO PROVIDE A PENALTY FOR FAILURE TO COMPLY WITH THIS PROVISION; TO AMEND SECTION [56-5-2941](#), AS AMENDED, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES REQUIRING A PERSON WHO VIOLATES CERTAIN PROVISIONS TO HAVE INSTALLED ON CERTAIN VEHICLES AN IGNITION INTERLOCK DEVICE, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT REQUIRE THE INSTALLATION OF AN IGNITION INTERLOCK DEVICE ON A MOPED; AND TO REPEAL ARTICLE 3, CHAPTER 5, TITLE 56 RELATING TO MOPED REGULATIONS.

Be it enacted by the General Assembly of the State of South Carolina:

Definitions

SECTION 1. Section [56-1-10](#) of the 1976 Code, as last amended by Act 216 of 2010, is further amended to read:

"Section [56-1-10](#). For the purpose of this title, unless otherwise indicated, the following words, phrases, and terms are defined as follows:

- (1) 'Driver' means every person who drives or is in actual physical control of a vehicle.
- (2) 'Operator' means every person who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a vehicle being towed by a motor vehicle.
- (3) 'Owner' means a person, other than a lienholder, having the property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security. This term also includes a person to whom a

moped is registered if the moped is not titled.

- (4) 'Department' means the Department of Motor Vehicles when the term refers to the duties, functions, and responsibilities of the former Motor Vehicle Division of the Department of Public Safety and means the Department of Public Safety otherwise and in Section [56-3-840](#).
- (5) 'State' means a state, territory, or possession of the United States and the District of Columbia, or the Commonwealth of Puerto Rico.
- (6) 'Highway' means the entire width between the boundary lines of every way publicly maintained when any part of it is open to the use of the public for purposes of vehicular travel.
- (7) 'Motor vehicle' means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.
- (8) 'Motorcycle' means every motor vehicle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor and a moped.
- (9) 'Nonresident' means every person who is not a resident of this State.
- (10) 'Nonresident's operating privilege' means the privilege conferred upon a nonresident by the laws of this State pertaining to the operation by the person of a motor vehicle, or the use of a vehicle owned by the person, in this State.
- (11) 'Conviction' means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.
- (12) 'Cancellation of driver's license' means the annulment or termination by formal action of the Department of Motor Vehicles of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to the license; the cancellation of a license is without prejudice, and application for a new license may be made at any time after the cancellation.
- (13) 'Revocation of driver's license' means the termination by formal action of the Department of Motor Vehicles of a person's driver's license or privilege to operate a motor vehicle on the public highways, which privilege to operate is not subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the department.
- (14) 'Suspension of driver's license' means the temporary withdrawal by formal action of the Department of Motor Vehicles of a person's driver's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be as specifically designated.
- (15) 'Automotive three-wheel vehicle' means every motor vehicle having no more than three permanent functional wheels in contact with the ground, having a bench seat for the use of the operator, and having an automotive type steering device, but excluding a tractor or motorcycle three-wheel vehicle.
- (16) 'Alcohol' means a substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol.
- (17) 'Alcohol concentration' means:
- (a) the number of grams of alcohol for each one hundred milliliters of blood by weight; or
 - (b) as determined by the South Carolina Law Enforcement Division for other bodily fluids.

- (18) 'Motorcycle three-wheel vehicle' means every motor vehicle having no more than three permanent functional wheels in contact with the ground to include motorcycles with detachable side cars, having a saddle type seat for the operator, and having handlebars or a motorcycle type steering device but excluding a tractor or automotive three-wheel vehicle.
- (19) 'Low speed vehicle' or 'LSV' means a four-wheeled motor vehicle, other than an all terrain vehicle, whose speed attainable in one mile is more than twenty miles an hour and not more than twenty-five miles an hour on a paved level surface, and whose gross vehicle weight rating (GVWR) is less than three thousand pounds.
- (20) 'All terrain vehicle' or 'ATV' means a motor vehicle measuring fifty inches or less in width, designed to travel on three or more wheels and designed primarily for off-road recreational use, but not including farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.
- (21) 'Operator' or 'driver' means a person who is in actual physical control of a motor vehicle.
- (22) 'Person' means every natural person, firm, partnership, trust, company, firm, association, or corporation. Where the term 'person' is used in connection with the registration of a motor vehicle, it includes any corporation, association, partnership, trust, company, firm, or other aggregation of individuals which owns or controls the motor vehicle as actual owner, or for the purpose of sale or for renting, as agent, salesperson, or otherwise.
- (23) 'Office of Motor Vehicle Hearings' means the Office of Motor Vehicle Hearings created by Section [1-23-660](#). The Office of Motor Vehicle Hearings has exclusive jurisdiction to conduct all contested case hearings or administrative hearings arising from department actions.
- (24) 'Administrative hearing' means a 'contested case hearing' as defined in Section [1-23-310](#). It is a hearing conducted pursuant to the South Carolina Administrative Procedures Act.
- (25) 'Home jurisdiction' means the jurisdiction which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.
- (26) 'Moped' means a cycle, defined as a motor vehicle, with or without pedals to permit propulsion by human power, that travels on not more than three wheels in contact with the ground whether powered by gasoline, electricity, alternative fuel, or a hybrid combination thereof. Based on the engine or fuel source, the moped must be equipped not to exceed the following limitations: a motor of fifty cubic centimeters or less; or designed to have an input of less than 1500 watts. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.
- (27) 'Daylight hours' means after six o'clock a.m. and no later than six o'clock p.m. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, 'daylight hours' means after six o'clock a.m. and no later than eight o'clock p.m. Nighttime hours are designated as all other hours.
- (28) 'Vehicle' means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks."

Driver license exemptions

SECTION 2. Section [56-1-30](#) of the 1976 Code is amended to read:

"Section [56-1-30](#). The following persons are exempt from licenses under this chapter:

- (1) Any employee of the United States Government while operating a motor vehicle owned by or leased to the United States Government and being operated on official business, unless the employee is required by the

United States Government or the Federal agency by which he is employed to have a State driver's license;

(2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator's or chauffeur's license issued to him in his home state or country may operate a motor vehicle, but a person may not claim nonresidence exemption under this provision who does not maintain a permanent residence address in the state or country of which he holds a valid and current operator's or chauffeur's license at which he regularly receives his mail and which address is on file with the motor vehicle authorities of that state or country; also, a person may not claim nonresidence exemption under this provision who for all other intents and purposes has or may remove his residence into this State;

(3) Any nonresident who is at least eighteen years of age and whose home state or country does not require the licensing of operators may operate a motor vehicle for a period of not more than ninety days in any calendar year, if the motor vehicle is duly registered in the home state or country of the nonresident and a nonresident on active duty in the Armed Services of the United States who has a valid license issued by his home state and the nonresident's spouse or dependent who has a valid license issued by his home state;

(4) A person operating or driving implements of husbandry temporarily drawn, propelled, or moved upon a highway. Implements of husbandry include, but are not limited to, farm machinery and farm equipment other than a passenger car.

(5) Any person on active duty in the Armed Services of the United States who has in his immediate possession a valid driver's license issued in a foreign country or by the Armed Services of the United States may operate a motor vehicle in this State for a period of not more than ninety days from the date of his return to the United States; and

(6) A citizen of a foreign jurisdiction whose licensing procedure is at least as strict as South Carolina's, as determined by the Department of Motor Vehicles, who is at least eighteen years of age, who is employed in South Carolina, and who has a valid driver's license issued by that jurisdiction may drive in this State for five years if the foreign jurisdiction provides a reciprocal arrangement for South Carolina residents. The provisions of this item also shall apply to the dependents of foreign nationals who qualify under this section."

Beginner's permit

SECTION 3. Section [56-1-50](#) of the 1976 Code, as last amended by Act 176 of 2005, is further amended to read:

"Section [56-1-50](#). (A) A person who is at least fifteen years of age may apply to the department for a beginner's permit. After the applicant has passed successfully all parts of the examination other than the driving test, the department may issue to the applicant a beginner's permit. A beginner's permit entitles the permittee having the permit in his immediate possession to drive a motor vehicle on public highways under the conditions contained in this section for not more than twelve months.

(B) The permit is valid only in the operation of:

(1) vehicles after six o'clock a.m. and not later than midnight. Except as provided in subsection (E), while driving, the permittee must be accompanied by a licensed driver twenty-one years of age or older who has had at least one year of driving experience. A permittee may not drive between midnight and six o'clock a.m. unless accompanied by the permittee's licensed parent or guardian;

(2) motorcycles. While driving a motorcycle during nighttime hours, the permittee must be accompanied by a motorcycle-licensed driver twenty-one years of age or older who has had at least one year of driving experience.

(C) The accompanying driver must:

(1) occupy a seat beside the permittee when the permittee is operating a motor vehicle; or

(2) be within a safe viewing distance of the permittee when the permittee is operating a motorcycle or a moped.

(D) A beginner's permit may be renewed or a new permit issued for additional periods of twelve months, however the department may refuse to renew or issue a new permit where the examining officer has reason to believe the applicant has not made a bona fide effort to pass the required driver's road test or does not appear to the examining officer to have the aptitude to pass the road test. The fee for every beginner's or renewal permit is two dollars and fifty cents, and the permit must bear the full name, date of birth, and residence address and a brief description and color photograph of the permittee and a facsimile of the signature of the permittee or a space upon which the permittee shall write his usual signature with pen and ink immediately upon receipt of the permit. A permit is not valid until it has been signed by the permittee.

(E) The following persons are not required to obtain a beginner's permit to operate a motor vehicle:

(1) a student at least fifteen years of age regularly enrolled in a high school of this State which conducts a driver's training course while the student is participating in the course and when accompanied by a qualified instructor of the course; and

(2) a person fifteen years of age or older enrolled in a driver training course conducted by a driver training school licensed under Chapter 23 of this title. However, this person at all times must be accompanied by an instructor of the school and may drive only an automobile owned or leased by the school which is covered by liability insurance in an amount not less than the minimum required by law.

(F) A person who has never held a form of license evidencing previous driving experience first must be issued a beginner's permit and must hold the permit for at least one hundred eighty days before being eligible for full licensure.

(G) The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund."

Conditional driver's license

SECTION 4. Section [56-1-175](#) of the 1976 Code is amended to read:

"Section [56-1-175](#). (A) The Department of Motor Vehicles may issue a conditional driver's license to a person who is at least fifteen years of age and less than sixteen years of age, who has:

- (1) held a beginner's permit for at least one hundred eighty days;
- (2) passed a driver's education course as defined in subsection (D);
- (3) completed at least forty hours of driving practice, including at least ten hours of driving practice during darkness, supervised by the person's licensed parent or guardian;
- (4) passed successfully the road tests or other requirements the department may prescribe; and
- (5) satisfied the school attendance requirement contained in Section [56-1-176](#).

(B) A conditional driver's license is valid only in the operation of

vehicles during daylight hours. The holder of a conditional license must be accompanied by a licensed adult twenty-one years of age or older after six o'clock p.m. or eight o'clock p.m. during daylight saving time. A conditional driver's license holder may not drive between midnight and six o'clock a.m., unless accompanied by the holder's licensed parent or guardian.

(C) A conditional driver's license holder may not transport more than two passengers who are under twenty-

one years of age unless accompanied by a licensed adult who is twenty-one years of age or older. This restriction does not apply when the conditional driver's license holder is transporting family members, or students to or from school.

(D) A driver training course, as used in this section, means a driver's training course administered by a driver's training school or a private, parochial, or public high school conducted by a person holding a valid driver's instructor permit contained in Section [56-23-85](#).

(E) For purposes of issuing a conditional driver's license pursuant to this section, the department must accept a certificate of completion for a student who attends or is attending an out-of-state high school and passed a qualified driver's training course or program that is equivalent to an approved course or program in this State. The department must establish procedures for approving qualified driver's training courses or programs for out-of-state students."

Special restricted driver's license

SECTION 5. Section [56-1-180](#) of the 1976 Code is amended to read:

"Section [56-1-180](#). (A) The Department of Motor Vehicles may issue a special restricted driver's license to a person who is at least sixteen years of age and less than seventeen years of age, who has:

- (1) held a beginner's permit for at least one hundred eighty days;
- (2) passed a driver's education course as defined in subsection (E);
- (3) completed at least forty hours of driving practice, including at least ten hours of driving practice during darkness, supervised by the person's licensed parent or guardian;
- (4) passed successfully the road test or other requirements the department may prescribe; and
- (5) satisfied the school attendance requirement contained in Section [56-1-176](#).

(B) The special restricted driver's license is valid only in the operation of vehicles during daylight hours. During nighttime hours, the holder of a special restricted driver's license must be accompanied by a licensed adult twenty-one years of age or older. The holder of a special restricted driver's license may not drive between midnight and six o'clock a.m. unless accompanied by the holder's licensed parent or guardian. The restrictions in this section may be modified or waived by the department if the restricted licensee proves to the department's satisfaction that the restriction interferes or substantially interferes with:

- (1) employment or the opportunity for employment;
- (2) travel between the licensee's home and place of employment or school;
- (3) travel between the licensee's home or place of employment and vocational training;
- (4) travel between the licensee's church, church-related or church-sponsored activities; or
- (5) travel between the licensee's parentally-approved sports activities.

(C) The waiver or modification of restrictions provided for in subsection (B) must include a statement of the purpose of the waiver or modification executed by the parents or legal guardian of the holder of the restricted license and documents executed by the driver's employment or school official, as is appropriate, evidencing the holder's need for the waiver or modification.

(D) A special restricted license holder may not transport more than two passengers who are under twenty-one years of age unless accompanied by a licensed adult twenty-one years of age or older. This restriction does not

apply when the special restricted license holder is transporting family members or students to or from school.

(E) A driver training course, as used in this section, means a driver's training course administered by a driver's training school or a private, parochial, or public high school conducted by a person holding a valid driver's instruction permit contained in Section [56-23-85](#).

(F) For purposes of issuing a special restricted driver's license pursuant to this section, the department must accept a certificate of completion for a student who attends or is attending an out-of-state high school and passed a qualified driver's training course or program that is equivalent to an approved course or program in this State. The department must establish procedures for approving qualified driver's training courses or programs for out-of-state students."

Operating a motor vehicle with a conditional or special restricted driver's license

SECTION 6. Section [56-1-185](#) of the 1976 Code is amended to read:

"Section [56-1-185](#). (A) A person while operating a motor vehicle under a conditional or a special restricted driver's license who is convicted of a traffic offense or involved in an accident in which he was at fault shall have the removal of the restrictions postponed for twelve months and is not eligible to be issued a regular driver's license until one year from the date of the last traffic offense or accident in which he was at fault or until he is seventeen years of age.

(B) A person while operating a motor vehicle under a beginner's permit or a conditional or a special restricted driver's license who is convicted of one or more point-assessable traffic offenses totaling six or more points, as determined by the values contained in Section [56-1-720](#), shall have his license suspended by the Department of Motor Vehicles for six months. This suspension shall not preclude other penalties otherwise provided for the same violations.

(C) The department may not issue a beginner's permit, conditional license, or special restricted license to any person convicted of a second or subsequent violation of operating a moped on public highways while under age or without a license, until that person is at least sixteen years of age."

Section reserved

SECTION 7. Section [56-1-1710](#) of the 1976 Code is amended to read:

"Section [56-1-1710](#). Reserved."

Moped operation

SECTION 8. Section [56-1-1720](#) of the 1976 Code is amended to read:

"Section [56-1-1720](#). (A) To operate a moped on public highways, a person must possess a valid driver's license issued under Article 1 of this chapter or a valid moped operator's license issued under this article. The department may issue a moped operator's license to a person who is fifteen years of age or older.

(B) A person younger than sixteen years of age with a moped license may operate a moped:

(1) alone during daylight hours only;

(2) during nighttime hours when accompanied by a licensed driver twenty-one years of age or older who has had at least one year of driving experience. The accompanying driver must be within a safe viewing distance of the operator when the operator is operating a moped.

(C) A person sixteen years of age or older with a moped license may drive a moped alone any time.

(D) A person who operates a moped in violation of the provisions of this section is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not more than one hundred dollars and, upon conviction of a second or subsequent offense, must be fined not more than two hundred dollars."

Moped operator's license

SECTION 9. Section [56-1-1730](#) of the 1976 Code is amended to read:

"Section [56-1-1730](#). (A) A person is eligible for a moped operator's license without regard to his eligibility for or the status of any other driver's license or permit.

(B) The Department of Motor Vehicles may suspend, revoke, or cancel a moped operator's license only for violations committed while operating a moped. A moped operator's license may be suspended, revoked, or canceled in the same manner and upon the same grounds for which any other motor vehicle operator's license or permit may be suspended, revoked, or canceled."

Validation decal

SECTION 10. Section [56-2-2740](#)(C) of the 1976 Code is amended to read:

"(C) All validation decals must be issued for a period not to exceed twelve months, except for moped validation decals, which may be issued for a period not to exceed twenty-four months. The fee for the biennial validation decals shall be twenty-four dollars and must be used to defray the costs of the department."

Moped regulations

SECTION 11. Chapter 2, Title 56 of the 1976 Code is amended by adding:

"Article 3

Mopeds

Section [56-2-3000](#). A person operating a moped on a public highway must at all times have in his possession a valid moped operator's license or valid driver's license.

Section [56-2-3010](#). (A) Beginning July 1, 2017, a moped operated on a public highway must be registered and licensed with the department in the same manner as passenger vehicles pursuant to this title.

(B) The department shall establish for mopeds a special size and class of license plates with distinctive numbering and/or lettering so as to be identifiable to law enforcement.

(C) Mopeds are not required to be titled or insured in this State. (D) Mopeds are exempt from ad valorem property taxes in this State.

(E) If a manufacturer's certificate of origin states the vehicle is a 'motor scooter', 'motor-driven cycle', or any similar term, the definitions of 'motorcycle' and 'moped', as shown in Section [56-1-10](#), must be used to determine whether the vehicle must be registered as a moped or must be titled and registered as a motorcycle.

Section [56-2-3020](#). (A) A privately owned and operated moped of a nonresident, otherwise subject to registration and license as provided by this chapter, may be operated within this State without being registered and licensed provided that the moped:

- (1) is duly registered or licensed in the state, territory, district, or country of residence of the owner; and
- (2) has displayed or issued a valid registration, registration card, license plate or decal, or other indicia satisfactorily evidencing compliance with the requirements of the owner's home jurisdiction.

(B) The moped of a nonresident must be registered and licensed pursuant to this chapter upon the earlier of a nonresident's:

- (1) establishment of domicile in this State; or
- (2) operation of the moped in this State for an accumulated period exceeding one hundred and eighty days.

Section [56-2-3030](#). An owner of a moped required to be registered in this State must make application to the department for the registration and licensing of the moped. The application must be made upon the appropriate form furnished by the department. Every application must bear the signature of the owner.

Section [56-2-3040](#). (A) An application for registration and licensing of a moped must contain:

- (1) the name, bona fide residence and mailing address of the owner or business address of the owner if a firm, association or corporation;
- (2) a description of the moped including, insofar as this exists with respect to a given moped, the make, model, type of body, serial number or other identifying number, whether the vehicle is new or used, and the date of sale by the manufacturer or seller to the person intending to operate the moped;
- (3) other information that reasonably may be required to enable the department to determine whether the vehicle is lawfully entitled to registration and licensing.

(B) The application must be accompanied by a bill of sale and a vehicle registration certificate, Manufacturer's Certificate of Origin, or an affidavit from the applicant certifying that he is the legal and rightful owner of the moped. The documentation provided must list the vehicle specifications, including the total cubic centimeters of the engine or wattage of the engine, as applicable.

Section [56-2-3050](#). The department, at the request of the owner, may issue a title for the moped in conjunction with the moped registration, provided that the owner makes application for title on the appropriate form and provides the department with a Manufacturer's Statement of Origin or a prior title. If an owner cannot provide a Manufacturer's Statement of Origin or prior title, the moped may be registered, but not titled.

Section [56-2-3060](#). (A) A person is guilty of a misdemeanor who:

- (1) fraudulently uses or gives a false or fictitious name or address in an application required to be made under this chapter;
- (2) knowingly makes a false statement in an application; or
- (3) knowingly conceals a material fact in an application.

(B) A person who operates or an owner who permits the operation or movement of a vehicle registered and licensed under a violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

Section [56-2-3070](#). (A) A person may not ride upon a moped other than upon or astride a permanent and regular seat attached to the moped. A moped may not be used to carry more persons at one time than the number for which it is designed and equipped by the manufacturer to carry.

(B) A person, while operating a moped during nighttime hours, and his passenger must each wear a reflective vest that at a minimum is ANSI/ISEA Class 1 standard.

(C) A person under the age of twenty-one may not operate or ride upon a moped unless he wears a protective helmet of a type approved by the department. The department may promulgate regulations necessary to describe the types and the specifications of helmets required. The department may also establish and maintain a list of

approved helmets.

(D) A person, while operating a moped along a multi-lane highway, must travel in the farthest right lane except when making a left turn or when travel in the farthest right lane is otherwise unsafe.

(E) A person may not operate a moped at a speed in excess of thirty-five miles per hour.

(F) A person may not operate a moped on a public highway that has a speed limit of greater than fifty-five miles per hour. A person operating a moped may cross an intersection at a public highway that has a speed limit of greater than fifty-five miles per hour.

(G) The operator of a moped must have turned on and in operation the operational lights and the headlight at all times while the moped is in operation.

(H) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

Section [56-2-3080](#). (A) It is unlawful for a person to sell a new moped for use on public highways or operate a moped on public highways without:

- (1) operable pedals, if the moped is equipped with pedals;
- (2) at least one rearview mirror;
- (3) an operable headlight and running lights; and
- (4) brake lights which are operable when either brake is deployed.

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

Section [56-2-3090](#). A person selling mopeds shall post, in a conspicuous place in his business, a sign that contains a brief explanation of the provisions of law governing the operation of mopeds, including but not limited to, age restrictions, maximum speeds, and the definition of a moped.

Section [56-2-3100](#). A person or entity selling mopeds is not required to obtain a motor vehicle dealer's license."

Penalty

SECTION 12. Chapter 2, Title 56 of the 1976 Code is amended by adding:

"Section [56-2-4000](#). It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this State declared to be a felony. Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days."

Definitions

SECTION 13. Section [56-3-20](#) of the 1976 Code is amended to read:

"Section [56-3-20](#). For purposes of this chapter, the following words and phrases are defined as follows:

- (1) Reserved.

(2) Reserved.

(3) Reserved.

(4) Reserved.

(5) 'Authorized emergency vehicle' means vehicles of the fire department (fire patrol), police vehicles, and the ambulances and emergency vehicles of municipal departments or public service corporations designated or authorized by the department or the chief of police of an incorporated municipality.

(6) 'School bus' means every bus owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for the transportation of children to or from school.

(7) 'Truck tractor' means every motor vehicle designed and used primarily for drawing other vehicles and not constructed so as to carry a load other than a part of the weight of the vehicle and load drawn.

(8) 'Farm tractor' means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(9) 'Road tractor' means every motor vehicle designed and used for drawing other vehicles and not constructed so as to carry a load on it either independently or any part of the weight of a vehicle or load drawn.

(10) 'Truck' means every motor vehicle designed, used, or maintained primarily for the transportation of property.

(11) 'Special mobile equipment' includes every vehicle, with or without motive power, not designed or used primarily for the transportation of persons or pay-load property and incidentally operated or moved over the highways, including farm tractors, road construction and maintenance machinery, ditchdigging apparatus, well-boring apparatus, truck cranes or mobile shovel cranes, and similar vehicles; this enumeration is deemed partial and does not operate to exclude other vehicles which are within the general terms of this definition.

(12) 'Bus' means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(13) 'Trailer' means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(14) 'Semitrailer' means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

(15) 'Pole trailer' means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(16) 'Foreign vehicle' means every vehicle of a type required to be registered brought into this State from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this State.

(17) 'Implement of husbandry' means every vehicle which is designed for agricultural purposes and exclusively used by its owner in the conduct of his agricultural operations.

- (18) 'Solid tire' means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.
- (19) 'Gross weight' or 'gross weight vehicle' means the weight of a vehicle without load plus the weight of any load on it.
- (20) 'Load capacity' means the maximum weight of the pay load of the property intended to be transported by a vehicle or combination of vehicles, exclusive of the weight of the vehicle or vehicles.
- (21) 'Owner' means a person who holds the legal title of a vehicle or, in the event (a) a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or (b) a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor is deemed the owner for the purpose of this chapter.
- (22) Reserved.
- (23) 'Dealer' or 'motor vehicle dealer' means both 'dealer' and 'wholesaler' as defined in Chapter 15 of this title.
- (24) Reserved.
- (25) 'Street' or 'highway' means the entire width between boundary lines of every way publicly maintained when any part of it is open to the use of the public for vehicular travel.
- (26) 'Odometer' means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; it does not include an auxiliary instrument designed to be reset by the operator of the motor vehicle for the purpose of recording the distance traveled on trips.
- (27) 'Odometer reading' means actual cumulative distance traveled disclosed on the odometer.
- (28) 'Odometer disclosure statement' means a statement, as prescribed by item (4) of Section [56-3-240](#), certified by the owner of the motor vehicle to the transferee or to the Department of Motor Vehicles as to the odometer reading.
- (29) Reserved.
- (30) 'Automotive three-wheel vehicle' means every motor vehicle having no more than three permanent functional wheels in contact with the ground, having a bench seat for the use of the operator, and having an automotive type steering device, but excluding a tractor or motorcycle three-wheel vehicle.
- (31) Reserved."

Registration of a vehicle

SECTION 14. Section [56-3-200](#) of the 1976 Code is amended to read:

"Section [56-3-200](#). Except in the case of a moped or as otherwise provided for in Chapter 19 of this title, the Department of Motor Vehicles shall not register or renew the registration of a vehicle unless a certificate of title has been issued by the department to the owner or an application has been delivered by the owner to the department."

Registration of a vehicle

SECTION 15. Section [56-3-250](#) of the 1976 Code is amended to read:

"Section [56-3-250](#). No vehicle shall be registered and licensed by the Department of Motor Vehicles unless a

signed statement accompanies the application certifying that all county and municipal taxes legally due by the applicant on the vehicle concerned have been paid and if such vehicle is legally subject to being returned by the applicant for county and municipal taxes such return has been made; that the applicant is not delinquent in the payment of any motor vehicle taxes in this State, and that the address and county shown on the application for license is the true legal residence of the applicant. A transfer between members of the same family shall not, for the purpose of this section, be considered a bona fide purchase. Any person falsely certifying as required in this section shall have his driver's license suspended for a period of six months.

The provisions of this section shall not apply to a moped, to any citizen of this State on active duty with the Armed Forces of the United States when the vehicle to be registered and licensed is operated for more than six months each year outside the boundaries of this State, nor to any motor vehicle subject to assessment for ad valorem tax purposes by the Department of Revenue."

Private passenger motor vehicles

SECTION 16. Section [56-3-630](#) of the 1976 Code, as last amended by Act 398 of 2006, is further amended to read:

"Section [56-3-630](#). The Department of Motor Vehicles shall classify as a private passenger motor vehicle every motor vehicle which is designed, used, and maintained for the transportation of ten or fewer persons and trucks having an empty weight of nine thousand pounds or less and a gross weight of eleven thousand pounds or less, except a motorcycle, motorcycle three-wheel vehicle, or moped. The department shall classify a three-wheel vehicle by the manufacturer's statement of origin for the vehicle's initial registration. For subsequent registration, the department shall classify the three-wheel vehicle by its title document. This section does not relieve or negate any applicable fees required under Section [56-3-660](#)."

Registration fee

SECTION 17. Section [56-3-760](#) of the 1976 Code is amended to read:

"Section [56-3-760](#). For every motorcycle, motorcycle three-wheel vehicle, or moped the biennial registration fee is ten dollars."

Section reserved

SECTION 18. Section [56-5-120](#) of the 1976 Code is amended to read:

"Section [56-5-120](#). Reserved."

Section reserved

SECTION 19. Section [56-5-130](#) of the 1976 Code is amended to read:

"Section [56-5-130](#). Reserved."

Section reserved

SECTION 20. Section [56-5-140](#) of the 1976 Code is amended to read:

"Section [56-5-140](#). Reserved."

Section reserved

SECTION 21. Section [56-5-150](#) of the 1976 Code is amended to read:

"Section [56-5-150](#). Reserved."

Section reserved

SECTION 22. Section [56-5-155](#) of the 1976 Code is amended to read:

"Section [56-5-155](#). Reserved."

Section reserved

SECTION 23. Section [56-5-165](#) of the 1976 Code is amended to read:

"Section [56-5-165](#). Reserved."

Passenger car defined

SECTION 24. Section [56-5-361](#) of the 1976 Code is amended to read:

"Section [56-5-361](#). Every motor vehicle except motorcycles and mopeds, designed for carrying ten passengers or less and used for the transportation of persons is a 'passenger car'."

Section reserved

SECTION 25. Section [56-5-410](#) of the 1976 Code is amended to read:

"Section [56-5-410](#). Reserved."

Section reserved

SECTION 26. Section [56-5-1550](#) of the 1976 Code is amended to read:

"Section [56-5-1550](#). Reserved."

Operation of a moped

SECTION 27. Section [56-5-1555](#) of the 1976 Code is amended to read:

"Section [56-5-1555](#). No person may operate a moped at a speed in excess of thirty-five miles an hour. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days."

Display of lights by a vehicle

SECTION 28. Section [56-5-4450](#) of the 1976 Code is amended to read:

"Section [56-5-4450](#). (A) Every vehicle upon a street or highway within this State shall display lighted lamps and illuminating devices, excluding parking lights, from a half hour after sunset to a half hour before sunrise, and at any other time when windshield wipers are in use as a result of rain, sleet, or snow, or when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles on the street or highway at a distance of five hundred feet ahead as required in this article for different classes of vehicles, subject to exceptions with respect to parked vehicles as provided in this article; provided, however, the provisions of this section requiring use of lights in conjunction with the use of windshield wipers shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow.

(B) Any person who violates this section is guilty of a misdemeanor and, upon conviction, may be fined up to twenty-five dollars."

Definitions

SECTION 29. Section [56-9-20](#)(4), (5), (6), (7), (8), and (9) of the 1976 Code is amended to read:

"(4) 'Motor vehicle': Every self-propelled vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles but excepting traction engines, road rollers, farm tractors, tractor cranes, power shovels, and well drillers, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails;

(5) 'Motor vehicle liability policy': An owner's or an operator's policy of liability insurance that fulfills all the requirements of Sections [38-77-140](#) through [38-77-230](#), certified as provided in Section [56-9-550](#) or [56-9-560](#) as proof of financial responsibility and issued, except as otherwise provided in Section [56-9-560](#), by an insurance carrier duly authorized to transact business in this State, to or for the benefit of the person or persons named therein as insured, and any other person, as insured, using the vehicle described therein with the express or implied permission of the named insured, and subject to the following special conditions:

(a) Contents of motor vehicle liability policy. The motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all of the provisions of this chapter.

(b) Provisions deemed incorporated in such policy. Every motor vehicle liability policy is subject to the following provisions, which need not be contained therein:

(1) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by the motor vehicle liability policy occurs;

(2) The policy may not be cancelled or annulled as to the liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage;

(3) No Statement made by the insured or on his behalf and no violation of the policy shall defeat or void the policy;

(4) The satisfaction by the insured of a judgment for the injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of the injury or damage;

(5) The insurance carrier shall have the right to settle any claim covered by the policy, and if the settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in Section [38-77-140](#); and

(6) The policy, written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.

(c) What policy need not cover. The motor vehicle liability policy need not insure any liability under the Workers' Compensation Law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of the motor vehicle, nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(d) Additional coverage permitted. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and the excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants this excess or additional coverage, the term 'motor vehicle liability policy' shall apply only to that part of the coverage which is required by this article.

(e) Additional permissible provisions. Any motor vehicle liability policy may provide:

(1) That the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter; and

(2) For the prorating of the insurance thereunder with other valid and collectible insurance.

(f) Requirements may be met by several policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(g) Legal binder deemed to meet requirements. Any legal binder issued pending the issuance of a motor vehicle liability policy shall be considered as fulfilling the requirements for such policy.

(h) Notice required to cancel certified policy; cancellation by subsequent policy. When an insurance carrier has certified a motor vehicle liability policy under Sections [56-9-550](#) or [56-9-560](#), the insurance so certified shall not be cancelled or terminated until at least ten days after a notice of cancellation or termination of the insurance certified shall be filed with the Department of Motor Vehicles, except that a policy subsequently procured and certified shall at 12:01 A. M., on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates.

(i) Other required policies unaffected. This chapter shall not be held to apply to or affect policies of automobile insurance against liability insuring public carriers or policies which may be required by any other law of this State, any law or ordinance of any municipality or any law or regulation of the United States or any of its agencies, and those policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

(j) Chapter inapplicable to policies covering use by employees, etc., of vehicles not owned by insured. This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by the persons in the insured's employ or on his behalf of motor vehicles not owned by the insured;

(6) Reserved.

(7) Reserved.

(8) Reserved.

(9) 'Owner:' A person who holds the legal title of a motor vehicle or a person to whom a moped is registered, or, in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be considered the owner for the purposes of this chapter;"

Section reserved

SECTION 30. Section [56-9-110](#) of the 1976 Code is amended to read:

"Section [56-9-110](#). Reserved."

Uninsured motor vehicles

SECTION 31. Section [56-10-520](#) of the 1976 Code is amended to read:

"Section [56-10-520](#). (A) A person who owns an uninsured motor vehicle that is licensed in the state or subject to registration in the state, who operates or permits the operation of that motor vehicle without first having paid to the director the uninsured motor vehicle fee required by Section [56-10-510](#), to be disposed of as provided by Section [56-10-550](#), is guilty of a misdemeanor.

(B)(1) A person who is the operator of an uninsured motor vehicle and not the titled owner, or in the case of a moped, is not the registered owner, who knows that the required fee has not been paid to the director, is guilty of a misdemeanor and, upon conviction, must for a:

(a) first offense be fined not less than one hundred dollars and not more than two hundred dollars or imprisoned for thirty days;

(b) second offense be fined two hundred dollars or imprisoned for thirty days, or both; or for a third or subsequent offense must be imprisoned for not less than forty-five days nor more than six months.

(2) Only convictions which occurred within five years, including and immediately preceding the date of the last conviction, constitute prior convictions within the meaning of this section.

(C) The director or his designee, having reason to believe that a motor vehicle is being operated or has been operated on any specified date, may require the owner of such motor vehicle to submit the certificate of insurance provided for by Section [56-10-510](#). The refusal or neglect of the owner who has not, before the date of operation, paid the uninsured motor vehicle fee required by Section [56-10-510](#) as to such motor vehicle, to furnish such certificate must be prima facie evidence that the motor vehicle was an uninsured motor vehicle at the time of such operation. A person who presents or causes to be presented to the director a false certificate that a motor vehicle is an insured motor vehicle or false evidence that a motor vehicle sought to be registered is an insured motor vehicle, is guilty of a misdemeanor and, upon conviction, must be fined pursuant to Section [56-10-260](#).

(D) Abstracts of records of conviction, as defined in this title, of any violation of any of the provisions of this section must be forwarded to the director as prescribed by Section [56-9-330](#). The director shall suspend the driver's license and all registration certificates and license plates of any titled owner of an uninsured motor vehicle upon receiving notice of a violation of any provisions of this section, and the director shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of such person until such person pays the fee applicable to the registration of an uninsured motor vehicle as prescribed in Section [56-10-510](#) and furnishes proof of future financial responsibility as prescribed by this section. Notice of such suspension shall be made in the form provided for in Section [56-1-465](#). However, when three years have elapsed from the date proof was required, the director may relieve the person of the requirement of furnishing proof of future financial responsibility. When the suspension results from a conviction for presenting or causing to be presented to the director a false certificate as to whether a motor vehicle is an insured motor vehicle or false evidence that any motor vehicle sought to be registered is insured, then the director shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of the person so convicted for a period of one hundred eighty days from the date of the order of suspension, and only then when all other provisions of law have been complied with by the person. The director shall suspend the driver's license of any person who is the operator but not the titled owner of a motor vehicle upon receiving notice of a violation of any provisions of this section, and he shall not thereafter reissue the driver's license until thirty days from the date of the order of suspension."

Proof of financial responsibility

SECTION 32. Section [56-10-535](#) of the 1976 Code is amended to read:

"Section [56-10-535](#). The director, upon receiving notice at the time of application or at any time during participation in the fund that a titled owner of a motor vehicle, or the registered owner of a moped has been convicted of one of the following violations: disobedience of any official traffic device; failure to stop for law enforcement officer when signaled; disobedience to any officer directing traffic; failure to stop for a school bus; leaving the scene of an accident where injury to a person or damage to property results; theft or unlawful taking of a vehicle; racing on public highways; driving under the influence of intoxicating liquor or narcotic drugs or where injury to a person of over six hundred dollars per person or damage to property of the insured or other person of over one thousand dollars results; reckless driving where injury to a person of over six hundred dollars per person or damage to property of the insured or other person of over one thousand dollars results, homicide or

assault arising out of the operation of a motor vehicle; any felony involving the use of a motor vehicle; the transporting of illegal whiskey or unlawful drugs or other controlled or narcotic substances; reckless homicide; wilful making of false statements in the application for license or registration; impersonating an applicant for license or registration or procuring a license or registration through impersonation whether for himself or another; any three or more moving traffic convictions; any two or more accidents for which the owner is responsible and where injury to a person of over six hundred dollars per person or damage to property of the insured or other persons of over one thousand dollars results, or if any household driver has been licensed for less than three years; then the director shall require the owner to furnish proof of financial responsibility in the manner prescribed by the director.

However, when three years have elapsed from the effective date of any conviction for the above offenses, the director may relieve such person of the requirement of furnishing proof of future financial responsibility."

Motor vehicle defined

SECTION 33. Section [56-15-10](#)(a) of the 1976 Code is amended to read:

"(a) 'Motor vehicle', any motor driven vehicle required to be registered under Section [56-3-110](#). For purposes of this chapter, this definition does not include motorcycles or mopeds."

Motorcycle defined

SECTION 34. Section [56-16-10](#)(a) of the 1976 Code is amended to read:

"(a) 'Motorcycle' is defined in Section [56-1-10](#). This chapter does not apply to bicycles with helper motors."

Definitions

SECTION 35. Section [56-19-10](#) of the 1976 Code, as last amended by Act 317 of 2008, is further amended to read:

"Section [56-19-10](#). For the purposes of this chapter and Chapter 21 , Title 16, the following terms are defined as follows:

- (1) 'Authorized emergency vehicle' means vehicles of the fire department, police vehicles, and the ambulances and emergency vehicles of municipal departments or public service corporations designated or authorized by the chief of police or governing body of a municipality.
- (2) 'Bicycle' means a device propelled solely by pedals, operated by one or more persons, and having two or more wheels, except childrens' tricycles.
- (3) 'Bus' means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
- (4) 'Dealer' or 'motor vehicle dealer' means both 'dealer' and 'wholesaler', as defined in Chapter 15 of this title.
- (5) Reserved.
- (6) 'Essential parts' means all integral and body parts of a vehicle of a type required to be registered under this title, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.
- (7) Reserved.
- (8) 'Farm tractor' means every motor vehicle designed and used primarily as a farm implement for drawing

plows, mowing machines, and other implements of husbandry.

(9) 'Foreign vehicle' means every vehicle of a type required to be registered under this title brought into this State from another state, territory, or country, other than in the ordinary course of business by or through a manufacturer or dealer, and not registered in this State.

(10) 'House trailer' means:

(a) a trailer or semitrailer which is designed, constructed, and equipped as a dwelling place, living abode, or sleeping place, either permanently or temporarily, and is equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in subitem (a) of this item, but which is used instead permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services or for another commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

(11) 'Identifying number' means the numbers and letters, if any, on a vehicle designated by the Department of Motor Vehicles for the purpose of identifying the vehicle.

(12) 'Implement of husbandry' means every vehicle, including mobile barns, designed and adapted exclusively for agricultural, horticultural, or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(13) 'Lienholder' means a person holding a security interest in a vehicle.

(14) 'Mail' means to deposit in the United States mail, properly addressed and with postage prepaid.

(15) 'Manufacturer' means every person engaged in the business of constructing or assembling vehicles of a type required to be registered under this title at an established place of business in this State.

(16) Reserved.

(17) Reserved.

(18) Reserved.

(19) Reserved.

(20) Reserved.

(21) Reserved.

(22) 'Pole trailer' means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(23) 'Previously registered vehicle' means a vehicle registered in this State on January 1, 1958, or a vehicle whose last registration before that date was in this State.

(24) 'Reconstructed vehicle' means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

(25) 'Registration' means the registration certificate or certificates and registration plates issued under the laws of this State pertaining to the registration of vehicles.

- (26) 'Road tractor' means every motor vehicle designed and used for drawing other vehicles and not constructed to carry any load on it, either independently or any part of the weight of a vehicle or load drawn.
- (27) 'School bus' means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school, or privately owned and operated for compensation for the transportation of children to or from school.
- (28) 'Security agreement' means a written agreement which reserves or creates a security interest.
- (29) 'Security interest' means an interest in a vehicle reserved or created by agreement and which secures payment or performance of an obligation, conditional sale contract, conditional lease, chattel mortgage, or other lien or encumbrance, except taxes or attachment liens provided for in Section [29-15-20](#). The term includes the interest of a lessor under a lease intended as security. A security interest is 'perfected' when it is valid against third parties generally, subject only to specific statutory exceptions.
- (30) 'Semitrailer' means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.
- (31) 'Special mobile equipment' means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway including, but not limited to: ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth-moving equipment. The term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes, or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.
- (32) 'Specifically constructed vehicle' means every vehicle of a type required to be registered under this title not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.
- (33) 'Trackless trolley coach' means every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.
- (34) 'Trailer' means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.
- (35) 'Transporter' means every person engaged in the business of delivering vehicles of a type required to be registered under this title from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.
- (36) 'Truck' means every motor vehicle designed, used, or maintained primarily for the transportation of property.
- (37) 'Truck tractor' means every motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.
- (38) Reserved.
- (39) 'Mobile home' means every vehicle which is designed, constructed, and equipped principally as a permanent dwelling place and is equipped to be moved on streets and highways, but which exceeds the size limitations prescribed in Section [56-3-710](#) and which cannot be licensed and registered by the Department of Motor Vehicles as a 'house trailer'.

(40) 'Odometer' means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; it does not include an auxiliary instrument designed to be reset by the operator of the motor vehicle for the purpose of recording the distance traveled on trips.

(41) 'Odometer reading' means actual cumulative distance traveled disclosed on the odometer.

(42) 'Odometer disclosure statement' means a statement, as prescribed by item (d) of subsection (1) of Section [56-19-240](#), certified by the owner of the motor vehicle to the transferee or to the Department of Motor Vehicles as to the odometer reading.

(43) Reserved.

(44) Reserved.

(45) Reserved."

Certificate of title

SECTION 36. Section [56-19-220](#) of the 1976 Code is amended to read:

"Section [56-19-220](#). No certificate of title need be obtained for:

- (1) A vehicle owned by the United States unless it is registered in this State;
- (2) A vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing or demonstration, or a vehicle used by the manufacturer solely for testing;
- (3) A vehicle owned by a nonresident of this State and not required by law to be registered in this State;
- (4) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;
- (5) A vehicle moved solely by animal power;
- (6) An implement of husbandry;
- (7) Special mobile equipment not required to be registered and licensed in this State;
- (8) A pole trailer;
- (9) A vehicle not required to be licensed and registered in this State, except mobile homes;
- (10) A vehicle used by its manufacturer in a benefit program for the manufacturer's employees;
- (11) A vehicle used by its manufacturer for testing, distribution, evaluation, and promotion, subject to the limitation in Section [56-3-2332](#)(B)(2); or
- (12) A moped."

Individual private passenger vehicle defined

SECTION 37. Section [38-77-30](#)(5.5)(d) of the 1976 Code is amended to read:

"(d) Individual private passenger automobile does not include:

- (i) motor vehicles that are used for public or livery conveyance or rented to others without a driver;

- (ii) fire department vehicles, police vehicles, ambulances, and rescue squad vehicles which are publicly owned;
- (iii) dune buggies, all-terrain vehicles, go carts, and snowmobiles;
- (iv) golf carts; and
- (v) small commercial risks."

Label and identification plate attached to a moped

SECTION 38. Prior to July 1, 2017, a person who sells, solicits, or advertises the sale of mopeds clearly and conspicuously shall label each moped with its specifications. The seller also shall attach a metal identification plate to each moped without pedals identifying the vehicle as a moped. This plate must be designed by the department and must display information the department considers necessary for enforcement purposes. The plate must be displayed permanently on each moped without pedals and must not be removed. A seller who fails to label a moped, fails to attach a metal identification plate to a moped, knowingly labels a motorcycle or motor-driven cycle as a moped, or attaches a metal identification plate to a motor cycle or motor-driven cycle identifying the vehicle as a moped, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

Prior to July 1, 2017, it is unlawful for a person to operate a moped without pedals upon public highways without displaying the attached metal identification plate. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

Each vehicle that is incorrectly labeled or plated and each moped that is not labeled or plated is a separate violation of this section.

Ignition interlock device

SECTION 39. Section [56-5-2941](#)(A) of the 1976 Code, as last amended by Act 34 of 2015, is further amended to read:

"(A) The Department of Motor Vehicles shall require a person who is a resident of this State and who is convicted of violating the provisions of Section [56-5-2930](#), [56-5-2933](#), [56-5-2945](#), [56-5-2947](#) except if the conviction was for Section [56-5-750](#), or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, to have installed on any motor vehicle the person drives, except a moped, an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. This section does not apply to a person convicted of a first offense violation of Section [56-5-2930](#) or [56-5-2933](#), unless the person submitted to a breath test pursuant to Section [56-5-2950](#) and had an alcohol concentration of fifteen one-hundredths of one percent or more. The department may waive the requirements of this section if the department determines that the person has a medical condition that makes the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person's driver's license for the length of time that the person would have been required to hold an ignition interlock restricted license. The department may withdraw the waiver at any time that the department becomes aware that the person's medical condition has improved to the extent that the person has become capable of properly operating an installed device. The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver's license suspension or denial of the issuance of a driver's license or permit to have an ignition interlock device installed on any motor vehicle the person drives, except a moped."

Repeal

SECTION 40. Article 30, Chapter 5, Title 56 of the 1976 Code is repealed.

Savings clause

SECTION 41. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

Time effective

SECTION 42. This act takes effect February 1, 2017.

Ratified the 6th day of June, 2016.

President of the Senate

Speaker of the House of Representatives

Approved the _____ day of _____ 2016.

Governor

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