




South Carolina Department of Insurance

HENRY McMASTER
Governor

RAYMOND G. FARMER
Director

BULLETIN NUMBER 2017-03

TO: All Insurers Licensed to Transact Automobile Insurance Business in the State of South Carolina

FROM: Raymond G. Farmer
Director of Insurance 

SUBJECT: Recent Legislative Changes Affecting Insurers Writing Automobile Insurance Coverages
2017 S.C. Act No. 89 (Act No. 89)

DATE: June 21, 2017

I. PURPOSE

The purpose of this Bulletin is to notify insurers writing automobile insurance policies in this State of the recent enactment of Act No. 89, which includes amendments to Chapter 77 of Title 38 that are applicable to automobile insurance coverage issued or renewed on or after November 19, 2018. A copy of 2017 S.C. Act No. 89 (R. 99, H. 3247) is attached to this bulletin.

II. SUMMARY OF 2017 S.C. ACT NO. 89

Act No. 89 amends [S.C. Code Ann. § 38-77-30](#) to include mopeds in the definition of a motor vehicle for the purposes of uninsured and underinsured motor vehicle insurance coverages only. Mopeds are not included in the definition of a motor vehicle for any purpose other than uninsured and underinsured motor vehicle coverages. The definition of individual private passenger automobile continues to exclude mopeds, so moped operators are still not required to maintain automobile liability insurance coverage.

As a result of this amendment, South Carolina automobile insurance policies issued or renewed on or after November 19, 2018 must provide uninsured and underinsured motor vehicle coverage that includes compensation for losses resulting from accidents involving mopeds.

III. FORM, RATE AND RULE FILINGS

All form, rate and rule filings related to the changes resulting from Act No. 89 must be submitted via the SERFF filing system no later than June 1, 2018. Each filing should include references to the Act and this bulletin in the SERFF filing description.

IV. QUESTIONS

Questions regarding this bulletin should be directed to the Department via email at PCmail@doi.sc.gov.

Bulletins are the method by which the Director of Insurance formally communicates with persons and entities regulated by the Department. Bulletins are Departmental interpretations of South Carolina insurance laws and regulations and provide guidance on the Department's enforcement approach. Bulletins do not provide legal advice. Readers should consult applicable statutes and regulations or contact an attorney for legal advice or for additional information on the impact of that legislation on their specific situation.

South Carolina General Assembly
122nd Session, 2017-2018

A89, R99, H3247

STATUS INFORMATION

General Bill

Sponsors: Reps. Crosby, Collins, Daning, Knight and Clemmons

Document Path: I:\council\billsgt\5194cm17.docx

Companion/Similar bill(s): 197, 3884

Introduced in the House on January 10, 2017

Introduced in the Senate on March 8, 2017

Last Amended on May 11, 2017

Passed by the General Assembly on May 11, 2017

Governor's Action: May 19, 2017, Signed

Summary: Mopeds

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
12/15/2016	House	Prefiled
12/15/2016	House	Referred to Committee on Education and Public Works
1/10/2017	House	Introduced and read first time (House Journal-page 127)
1/10/2017	House	Referred to Committee on Education and Public Works (House Journal-page 127)
1/11/2017	House	Member(s) request name added as sponsor: Daning (House Journal-page 43)
2/14/2017	House	Committee report: Favorable with amendment Education and Public Works (House Journal-page 31)
2/15/2017	House	Member(s) request name added as sponsor: Knight
2/21/2017	House	Requests for debate-Rep(s). JE Smith, White, Jefferson, Wheeler, Williams, Ott, Henegan, Gagnon, Ridgeway, Douglas, McEachern, Weeks, West, King, Thigpen, Bernstien, Davis, Clary, Anderson, S Rivers, Kirby, Crosby, Bennett, Cogswell, Hosey, Danning, Sottile, Mack, Gilliard, Forrester, Taylor, Allison, Govan, Pope (House Journal-page 21)
2/23/2017	House	Debate adjourned until Tues., 2-28-17 (House Journal-page 17)
2/28/2017	House	Member(s) request name added as sponsor: Clemmons
2/28/2017	House	Debate adjourned until Wed., 3-1-17 (House Journal-page 15)
3/7/2017	House	Amended (House Journal-page 32)
3/7/2017	House	Read second time (House Journal-page 32)
3/7/2017	House	Roll call Yeas-75 Nays-29 (House Journal-page 67)
3/8/2017	House	Read third time and sent to Senate (House Journal-page 49)
3/8/2017	Senate	Introduced and read first time (Senate Journal-page 13)
3/8/2017	Senate	Referred to Committee on Transportation (Senate Journal-page 13)
3/10/2017		Scrivener's error corrected
4/27/2017	Senate	Recalled from Committee on Transportation (Senate Journal-page 2)
4/27/2017	Senate	Amended (Senate Journal-page 2)
4/27/2017	Senate	Read second time (Senate Journal-page 2)
5/2/2017	Senate	Read third time and returned to House with amendments (Senate Journal-page 22)
5/4/2017	House	Debate adjourned until Tues., 5-9-17 (House Journal-page 45)
5/9/2017	House	Senate amendment amended (House Journal-page 107)
5/9/2017	House	Returned to the Senate (House Journal-page 107)

5/9/2017 House Roll call Yeas-97 Nays-0 ([House Journal-page 141](#))
5/10/2017 Senate Non-concurrence in House amendment ([Senate Journal-page 71](#))
5/10/2017 House House insists upon amendment and conference committee appointed Reps. Daning, Crosby, Kirby ([House Journal-page 49](#))
5/11/2017 Senate Conference committee appointed Hembree, Campbell, Johnson ([Senate Journal-page 12](#))
5/11/2017 House Conference report adopted ([House Journal-page 72](#))
5/11/2017 House Roll call Yeas-89 Nays-7 ([House Journal-page 107](#))
5/11/2017 Senate Conference report received and adopted ([Senate Journal-page 68](#))
5/11/2017 Senate Roll call Ayes-36 Nays-0 ([Senate Journal-page 72](#))
5/11/2017 Senate Ordered enrolled for ratification ([Senate Journal-page 111](#))
5/15/2017 Ratified R 99
5/19/2017 Signed By Governor
5/30/2017 Effective date See Act
5/31/2017 Act No. 89

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VERSIONS OF THIS BILL

[12/15/2016](#)

[2/14/2017](#)

[3/7/2017](#)

[3/10/2017](#)

[4/27/2017](#)

[5/9/2017](#)

[5/11/2017](#)

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

(A89, R99, H3247)

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 DRIVERS' 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, RELATING TO THE ISSUANCE OF A BEGINNER'S PERMIT, SO AS TO DELETE THE PROVISIONS THAT ALLOW A PERMIT HOLDER TO OPERATE A MOPED AND REVISE THE TIME OF DAY AND CONDITIONS UPON WHICH A PERMITTEE MAY OPERATE A MOTORCYCLE, 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, THE PROVISION THAT DEFINES THE TERM "DAYLIGHT HOURS", AND TO PROVIDE THE LOCATION THAT AN ACCOMPANYING DRIVER MUST BE SEATED WHEN THE LICENSEE IS OPERATING A MOTOR VEHICLE, MOTORCYCLE, OR MOPED; TO AMEND SECTION 56-1-180, RELATING TO THE ISSUANCE OF A SPECIAL RESTRICTED DRIVER'S LICENSE, SO AS TO MAKE A TECHNICAL CHANGE, TO DELETE THE PROVISION THAT ALLOWS A LICENSEE TO OPERATE A MOTOR SCOOTER OR LIGHT MOTOR-DRIVEN CYCLE, TO DELETE THE PROVISION THAT DEFINES THE TERM "DAYLIGHT HOURS", TO PROVIDE THE LOCATION THAT AN ACCOMPANYING DRIVER MUST BE SEATED WHEN THE LICENSEE IS OPERATING A MOTOR VEHICLE, MOTORCYCLE, OR MOPED, AND TO PROVIDE ADDITIONAL LOCATIONS THAT AN UNACCOMPANIED LICENSEE MAY TRAVEL; 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, 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 THAT VALIDATION DECALS MUST NOT BE ISSUED TO VEHICLES THAT DO NOT REQUIRE THE PAYMENT OF PROPERTY TAXES; 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 ARTICLE 4 TO CHAPTER 2, TITLE 56 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 56-3-760, BOTH 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 PROVISIONS; TO AMEND SECTION 56-5-140, RELATING TO THE TERM "MOTORCYCLE" AND ITS DEFINITION, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION 56-5-150, RELATING TO THE TERM "MOTOR-DRIVEN CYCLE" AND ITS DEFINITION, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION 56-5-155, RELATING TO THE TERM "MOTORCYCLE THREE-WHEEL VEHICLE" AND ITS DEFINITION, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION 56-5-165, RELATING TO THE TERM "MOPED" AND ITS DEFINITION, SO AS TO DELETE THIS PROVISION; 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 PROVISION; TO AMEND SECTION 56-5-1550, RELATING TO THE OPERATION OF A MOTOR-DRIVEN CYCLE, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION 56-5-1555, RELATING TO THE OPERATION OF A MOPED, SO AS TO DELETE THIS PROVISION; TO AMEND SECTION 56-5-4450, 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 56-9-110, RELATING TO THE APPLICABILITY OF THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT TO CERTAIN ACCIDENTS OR JUDGMENTS, SO AS TO DELETE THIS PROVISION; 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 DEFINITION OF THE TERM "MOTOR VEHICLE" TO EXCLUDE MOPEDS; TO AMEND SECTION 56-16-10, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTORCYCLE MANUFACTURERS, 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”, AND TO PROVIDE THAT MOPEDS ARE CONSIDERED TO BE MOTOR VEHICLES FOR THE PURPOSE OF CERTAIN MOTOR VEHICLE INSURANCE COVERAGE; TO AMEND SECTION 56-5-2941, AS AMENDED, RELATING TO PERSONS REQUIRED TO INSTALL IGNITION INTERLOCK DEVICES ON THEIR VEHICLES, SO AS TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO MOPEDS; AND TO REPEAL ARTICLE 30, 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 designed to have an input exceeding 750 watts and no more 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. All other hours are designated as nighttime 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."

Drivers' licenses

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 is 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; and

(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. The accompanying driver must:

- (1) occupy a seat beside the conditional license holder when the conditional license holder is operating a motor vehicle; or
- (2) be within a safe viewing distance of the conditional license holder when the conditional license holder is operating a motorcycle or a moped.

(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 (F);
- (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) A special restricted driver's license is valid only in the operation vehicles during daylight hours. The holder of a special restricted driver's 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. 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 accompanying driver must:

- (1) occupy a seat beside the conditional license holder when the conditional license holder is operating a motor vehicle; or
- (2) be within a safe viewing distance of the conditional license holder when the conditional license holder is operating a motorcycle or a moped.

(C) 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 and church-sponsored activities; or
- (5) travel between the licensee's parentally approved sports activities.

(D) The waiver or modification of restrictions provided for in subsection (C) 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.

(E) 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.

(F) 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.

(G) 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."

Reserved

SECTION 6. Section 56-1-1710 of the 1976 Code is amended to read:

"Section 56-1-1710. Reserved."

Moped

SECTION 7. 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 operator’s license may operate a moped:

(1) alone during daylight hours only; and

(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 a passenger or 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

SECTION 8. 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 decals

SECTION 9. 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 vehicles which do not require the payment of property taxes.”

Moped

SECTION 10. 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 at all times must have in his possession a valid moped operator’s license or valid driver’s license and moped registration.

Section 56-2-3010. (A) A moped operated on a public highway must be registered and licensed with the department in the same fashion 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; and

(3) other information that reasonably may be required by the department to enable the department to determine whether the moped is lawfully entitled to registration and licensing.

(B) The application shall 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 certificate 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 article;

(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 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 moped, while traveling along a multilane highway, must be operated in the farthest right lane except when making a left turn or when travel in the farthest right lane is unsafe.

(C) A person under the age of twenty-one may not operate or ride upon a moped unless he wears a protective helmet identical to underage motorcycle helmet requirements provided in Section 56-5-3660.

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

(E) 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.

(F) 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.

(G) 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 in the business of selling, leasing or renting mopeds to sell, lease or rent a moped for use on the public highways of this State without:

- (1) operable pedals, if the moped is equipped with pedals;
- (2) at least one rearview mirror;
- (3) operable headlights 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."

Penalties

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

“Article 4

Penalties

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. A 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 12. Section 56-3-20 of the 1976 Code is amended 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, ditch-digging 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."

Motor vehicle registration

SECTION 13. 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 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.”

Motor vehicle registration and licensing

SECTION 14. 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 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 mopeds or 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 vehicle

SECTION 15. 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 certificate of origin for the vehicles 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 16. 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.”

Reserved

SECTION 17. Section 56-5-120 of the 1976 Code is amended to read:

“Section 56-5-120. Reserved.”

Reserved

SECTION 18. Section 56-5-130 of the 1976 Code is amended to read:

“Section 56-5-130. Reserved.”

Reserved

SECTION 19. Section 56-5-140 of the 1976 Code is amended to read:

“Section 56-5-140. Reserved.”

Reserved

SECTION 20. Section 56-5-150 of the 1976 Code is amended to read:

“Section 56-5-150. Reserved.”

Reserved

SECTION 21. Section 56-5-155 of the 1976 Code is amended to read:

“Section 56-5-155. Reserved.”

Reserved

SECTION 22. Section 56-5-165 of the 1976 Code is amended to read:

“Section 56-5-165. Reserved.”

Passenger car defined

SECTION 23. 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’.”

Reserved

SECTION 24. Section 56-5-410 of the 1976 Code is amended to read:

“Section 56-5-410. Reserved.”

Reserved

SECTION 25. Section 56-5-1550 of the 1976 Code is amended to read:

“Section 56-5-1550. Reserved.”

Reserved

SECTION 26. Section 56-5-1555 of the 1976 Code is amended to read:

“Section 56-5-1555. Reserved.”

Vehicle equipment

SECTION 27. 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.”

Reserved

SECTION 28. Section 56-9-110 of the 1976 Code is amended to read:

“Section 56-9-110. Reserved.”

Motor vehicle defined

SECTION 29. 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. This definition does not include motorcycles or mopeds.”

Motorcycle defined

SECTION 30. 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 31. Section 56-19-10 of the 1976 Code, as last amended by Act 245 of 2016, 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: ditch-digging 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.

(46) 'Commercial truck' or 'commercial motor vehicle (CMV)' as defined by the Federal Motor Carrier Safety Administration (FMCSA) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(a) has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater;

(b) has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater;

(c) is designed to transport sixteen or more passengers, including the driver; or

(d) is of any size and is used in the transportation of hazardous materials as that term is defined in 49 C.F.R. Section 390.5.

(47) 'Motor home' means a vehicular unit designed to provide temporary living quarters built into an integral part of or permanently attached to a self-propelled motor vehicle chassis or van which unit contains permanently installed independent life support systems other than low voltage meeting the American National Standards Institute (ANSI) A119.2 Standard for Recreational Vehicles and provides at least

four of the following facilities: cooking with onboard power source; gas or electric refrigerator; toilet with exterior evacuation; heating or air conditioning with onboard power source separate from the vehicle engine; a potable water supply system including a faucet, sink, and water tank with an exterior service connection; or separate 110-125 volt electric power supply. For purposes of this definition, a passenger-carrying automobile, truck, or van without permanently installed independent life support systems, including at least four of the indicated facilities, does not constitute a motor home.

(48) 'Permanently installed' means built into or attached as an integral part of a chassis or van and designed not to be removed except for repair or replacement. A system which is readily removable or held in place by clamps or tie downs is not permanently installed.

(49) 'Low voltage' means twenty-four volts or less.

(50) 'Special mobile equipment' means 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, ditch-digging 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."

Certificate of title

SECTION 32. 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."

Definitions

SECTION 33. Section 38-77-30(5.5)(d), (9), (14), and (15) 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) mopeds;
- (iv) dune buggies, all-terrain vehicles, go carts, and snowmobiles;
- (v) golf carts; and
- (vi) small commercial risks.

(9) ‘Motor vehicle’ means every self-propelled vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with these vehicles but excepting traction engines, road rollers, farm trailers, 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. Mopeds are considered to be motor vehicles for the purposes of uninsured motor vehicle insurance coverage and underinsured motor vehicle insurance coverage only. For purposes of this chapter, the term automobile has the same meaning as motor vehicle.

(14) ‘Uninsured motor vehicle’ means a motor vehicle as defined in item (9) as to which:

- (a) there is not bodily injury liability insurance and property damage liability insurance both at least in the amounts specified in Section 38-77-140; or

(b) there is nominally that insurance, but the insurer writing the same successfully denies coverage thereunder; or

(c) there was that insurance, but the insurer who wrote the same is declared insolvent, or is in delinquency proceedings, suspension, or receivership, or is proven unable fully to respond to a judgment; and

(d) there is no bond or deposit of cash or securities in lieu of the bodily injury and property damage liability insurance;

(e) the owner of the motor vehicle has not qualified as a self-insurer in accordance with the applicable provisions of law.

A motor vehicle is considered uninsured if the owner or operator is unknown. However, recovery under the uninsured motorist provision is subject to the conditions set forth in this chapter. Any motor vehicle owned by the State or any of its political subdivisions is considered an uninsured motor vehicle when the vehicle is operated by a person without proper authorization.

(15) ‘Underinsured motor vehicle’ means a motor vehicle as defined in item (9) as to which there is bodily injury liability insurance or a bond applicable at the time of the accident in an amount of at least that specified in Section 38-77-140 and the amount of the insurance or bond is less than the amount of the insureds’ damages.”

Ignition interlock devices

SECTION 34. 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 Sections 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.

The length of time that a device is required to be affixed to a motor vehicle as set forth in Sections 56-1-286, 56-5-2945, 56-5-2947 except if the conviction was for Sections 56-5-750, 56-5-2951, and 56-5-2990.”

Repeal

SECTION 35. Article 30, Chapter 5, Title 56 of the 1976 Code is repealed.

Savings clause

SECTION 36. 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 37. This act takes effect eighteen months after approval by the Governor. The provisions of this act amending Section 38-77-30 apply to automobile insurance coverage issued or renewed on or after eighteen months following approval by the Governor.

Ratified the 15th day of May, 2017.

Approved the 19th day of May, 2017.
