

## South Carolina General Assembly

119th Session, 2011-2012

**A24, R44, H3562**

### STATUS INFORMATION

#### General Bill

Sponsors: Reps. Ott, Hardwick, Brady, Spires, Butler Garrick, Vick, Jefferson, McEachern, Munnerlyn, Knight, Sabb, Gambrell, Anderson, Hiott, Hodges, Dillard, Allen, Battle, Hosey, Weeks and Long

Document Path: I:\council\bill\swb\6005cm11.docx

Companion/Similar bill(s): 448

Introduced in the House on February 2, 2011

Introduced in the Senate on April 6, 2011

Last Amended on April 26, 2011

Passed by the General Assembly on April 28, 2011

Governor's Action: May 11, 2011, Signed

Summary: All-Terrain Vehicle Safety Act, Chandler's Law

### HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
2/2/2011	House	Introduced and read first time ( <a href="#">House Journal-page 53</a> )
2/2/2011	House	Referred to Committee on <b>Agriculture, Natural Resources and Environmental Affairs</b> ( <a href="#">House Journal-page 53</a> )
3/2/2011	House	Member(s) request name added as sponsor: Erickson, Long
3/9/2011	House	Committee report: Favorable with amendment <b>Judiciary</b> ( <a href="#">House Journal-page 4</a> )
3/10/2011		Scrivener's error corrected
3/29/2011	House	Member(s) request name removed as sponsor: Erickson
3/29/2011	House	Requests for debate-Rep(s). Norman, Hart, Atwater, Toole, Pinson, Crawford, Brannon, Daning, Patrick, Erickson, Bowers, Spires, Frye, Parker, Bikas, Owens, Hixon, McCoy, Clyburn, Hosey, and GR Smith ( <a href="#">House Journal-page 28</a> )
3/30/2011	House	Member(s) request name removed as sponsor: Brannon
3/31/2011	House	Amended ( <a href="#">House Journal-page 41</a> )
3/31/2011	House	Read second time ( <a href="#">House Journal-page 41</a> )
3/31/2011	House	Roll call Yeas-65 Nays-42
3/31/2011	House	Motion noted- Rep. Lowe moved to reconsider whereby H. 3562 was given a second reading ( <a href="#">House Journal-page 76</a> )
4/1/2011		Scrivener's error corrected
4/5/2011	House	Motion to reconsider tabled ( <a href="#">House Journal-page 25</a> )
4/5/2011	House	Read third time and sent to Senate ( <a href="#">House Journal-page 25</a> )
4/6/2011	Senate	Introduced and read first time ( <a href="#">Senate Journal-page 13</a> )
4/6/2011	Senate	Referred to Committee on <b>Fish, Game and Forestry</b> ( <a href="#">Senate Journal-page 13</a> )
4/20/2011	Senate	Committee report: Favorable with amendment <b>Fish, Game and Forestry</b> ( <a href="#">Senate Journal-page 12</a> )
4/21/2011		Scrivener's error corrected
4/21/2011		Scrivener's error corrected
4/26/2011	Senate	Committee Amendment Amended and Adopted ( <a href="#">Senate Journal-page 18</a> )
4/26/2011	Senate	Read second time ( <a href="#">Senate Journal-page 18</a> )
4/26/2011	Senate	Roll call Ayes-35 Nays-7 ( <a href="#">Senate Journal-page 18</a> )
4/27/2011	Senate	Read third time and returned to House with amendments ( <a href="#">Senate Journal-page 9</a> )

4/28/2011	House	Concurred in Senate amendment and enrolled ( <a href="#">House Journal-page 42</a> )
4/28/2011	House	Roll call Yeas-78 Nays-22 ( <a href="#">House Journal-page 42</a> )
5/5/2011		Ratified R 44
5/11/2011		Signed By Governor
5/13/2011		Effective date 07/01/11
5/17/2011		Act No. 24

## **VERSIONS OF THIS BILL**

[2/2/2011](#)

[3/9/2011](#)

[3/10/2011](#)

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[4/1/2011](#)

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[4/21/2011-A](#)

[4/26/2011](#)

(A24, R44, H3562)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT “CHANDLER’S LAW” SO AS TO PROVIDE FOR REGULATION OF THE OPERATION OF ALL-TERRAIN VEHICLES INCLUDING MINIMUM AGE REQUIREMENTS FOR THE OPERATION OF ALL-TERRAIN VEHICLES, SAFETY COURSE COMPLETION REQUIREMENTS, SAFETY EQUIPMENT REQUIREMENTS, AND PASSENGER RIDING REQUIREMENTS, TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS CONTAINED IN THIS CHAPTER, TO PROVIDE THAT ALL-TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; AND BY ADDING ARTICLE 9 TO CHAPTER 19, TITLE 56 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL-TERRAIN VEHICLES.**

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

**All-Terrain Vehicle Safety Act**

SECTION 1. Title 50 of the 1976 Code is amended by adding:

“CHAPTER 26

All-Terrain Vehicle Safety Act

Section 50-26-10. This chapter may be cited as ‘Chandler’s Law’.

Section 50-26-20. For the purposes of this chapter, ‘all-terrain vehicle’ or ‘ATV’ means a motorized vehicle designed primarily for off-road travel on low-pressure tires which has three or more wheels and handle bars for steering, but does not include lawn tractors, battery-powered children’s toys, or a vehicle that is required to be licensed or titled for highway use. The term ‘ATV’ includes Type I-single passenger all-terrain vehicles and Type II-tandem passenger all-terrain vehicles.

Section 50-26-30. (A) It is unlawful for a parent or legal guardian of a person less than six years of age to knowingly permit that person to operate an ATV.

(B) It is unlawful for a parent or legal guardian of a person without a motor vehicle driver's license and less than sixteen years of age to knowingly allow that person to carry a passenger while operating an ATV.

(C) As used in this section 'ANSI/SVIA' means American National Standards Institute/Specialty Vehicle Institute of America, and 'FMVSS' means Federal Motor Vehicle Safety Standard.

(D) It is unlawful to remove from an ATV the manufacturer Age Restriction Warning Label required by ANSI/SVIA.

(E) It is unlawful for a parent or legal guardian of a person less than sixteen years of age to knowingly allow that person to operate an ATV in violation of the Age Restriction Warning Label affixed by the manufacturer as required by standard ANSI/SVIA 1-2007.

(F) Effective July 1, 2011, every person fifteen years old and younger who operates an all-terrain vehicle must possess a safety certificate indicating successful completion of 'hands-on' all-terrain vehicle safety course approved by the All-Terrain Vehicle Safety Institute.

(G) A person fifteen years of age or younger also may not operate, ride, or otherwise be propelled on an all-terrain vehicle within this State unless the person wears a safety helmet meeting standard FMVSS #218 and eye protection.

(H) A law enforcement officer enforcing the provisions of this section in regard to private lands must have probable cause, based on a plain view observation or incident to an investigation resulting from an all-terrain vehicle accident, to believe a violation of this section occurred before he may enter upon private land to charge a violation of this section.

Section 50-26-40. (A) The restrictions in this section apply to operation of all-terrain vehicles on those lands open to the public and are in addition to the requirements of Section 50-26-30.

(B) It is unlawful to operate an all-terrain vehicle except in compliance with the local regulations and restrictions for all-terrain vehicle operation.

(C) A person sixteen years of age or younger who operates an all-terrain vehicle must be accompanied by an adult.

(D) It is unlawful to operate an all-terrain vehicle between one-half hour after sunset to one-half hour before sunrise unless it is operated with headlights turned on.

(E) It is unlawful to cross any watercourse on an all-terrain vehicle except at a designated ford, crossing, bridge, or if the watercourse is bisected by a trail.

(F) An all-terrain vehicle must have an effective muffler system in good working condition, a USDA Forest Service approved spark arrester in good working condition, and a brake system in good operating condition.

(G) It is unlawful to operate an all-terrain vehicle while under the influence of alcohol or any controlled substance.

(H) It is unlawful to operate an all-terrain vehicle in a reckless manner.

(I) Nothing contained in this chapter prevents the operation of an all-terrain vehicle on a beach, or between the breakers and the shoreline of the beach, if the all-terrain vehicle is operated in a manner approved by the entity that owns or controls the area.

Section 50-26-50. All-terrain vehicles are exempt from ad valorem personal property taxes beginning with calendar year 2011.

Section 50-26-60. A person violating this chapter, unless otherwise specified, is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars nor more than two hundred dollars.

Section 50-26-70. This chapter does not apply to:

(1) an owner, operator, lessor, or renter of a farm or ranch, or that person's employees, immediate family, or household members, when operating an all-terrain vehicle while engaged in farming, wildlife habitat management, or ranching operations;

(2) a person using an all-terrain vehicle for hunting or trapping purposes if the person otherwise is lawfully engaged in those activities; or

(3) a minor younger than sixteen years of age, but not younger than six years of age who is operating an all-terrain vehicle under the direct visual supervision of his parent or an individual with legal custody of the minor on private property.”

### **Titling of all-terrain vehicles**

SECTION 2. Chapter 19, Title 56 of the 1976 Code is amended by adding:

“Article 9

Titling of All-Terrain Vehicles

Section 56-19-1010. An owner of an ATV may make application to the Department of Motor Vehicles for a title for the vehicle accompanied by the required fee and upon the appropriate form prescribed and furnished by the department. The application must be accompanied by a manufacturer’s certificate of origin or previous title properly assigned to the applicant.

Section 56-19-1020. When a person who is not a licensed ATV dealer receives by purchase, gift, trade, or by another means a vehicle that was titled in this State, the person who receives the vehicle may make application to the department for a title. The application must be accompanied by the required documents and fee for title. The department shall issue a certificate of title once it has received a properly completed application. An owner of an ATV, before the effective date of this article, who cannot provide proof of ownership, may request an affidavit from the sheriff in the county in which he resides. The affidavit shall state that the sheriff finds the person making application for the title is the legal owner of the ATV. Before issuing the affidavit, the sheriff must verify through the National Crime Information Center that the ATV is not stolen. The department shall issue a title application to the owner upon presentation of the affidavit, application, and fee.

Section 56-19-1030. The title fee for an ATV is contained in Section 56-19-420(A). For purposes of this article, an all-terrain vehicle (ATV) is defined as provided in Section 50-26-20.”

**Time effective**

SECTION 3. This act takes effect July 1, 2011.

Ratified the 5<sup>th</sup> day of May, 2011.

Approved the 11<sup>th</sup> day of May, 2011.