**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3109**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Kirsh

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Companion/Similar bill(s): 3101

Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Agriculture, Natural Resources and Environmental Affairs**

Summary: All-Terrain Vehicle Safety Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2008 House Prefiled

12/9/2008 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑51

1/13/2009 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑51

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p:\pprever\2009-10\3109_20081209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 26 TO TITLE 50 SO AS TO ENACT THE “ALL-TERRAIN VEHICLE SAFETY ACT” TO PROVIDE FOR THE REGULATION OF THE OPERATION OF ALL‑TERRAIN VEHICLES BY PERSONS UNDER THE AGE OF SIXTEEN, TO PROVIDE FOR THE REGULATION OF THE SALE OF ALL‑TERRAIN VEHICLES FOR THE USE OF PERSONS UNDER THE AGE OF SIXTEEN, TO PROVIDE SAFETY STANDARDS FOR OPERATION OF ALL‑TERRAIN VEHICLES, AND TO PROVIDE PENALTIES FOR VIOLATION OF THE CHAPTER.

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

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

“CHAPTER 26

All‑Terrain Vehicle Safety Act

Section 50‑26‑10. For the purposes of this chapter, ‘all‑terrain vehicle’ means a motorized off‑highway vehicle designed to travel on three or four low‑pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control.

Section 50‑26‑20. (A) It is unlawful for a parent or legal guardian of a person less than:

(1) eight years of age to knowingly permit that person to operate an all‑terrain vehicle;

(2) twelve years of age to knowingly permit that person to operate an all‑terrain vehicle with an engine capacity of seventy cubic centimeter displacement or greater;

(3) sixteen years of age to knowingly permit that person to operate an all‑terrain vehicle with an engine capacity of ninety cubic centimeter displacement or greater; or

(4) sixteen years of age to knowingly permit that person to operate an all‑terrain vehicle unless the person is under continuous visual supervision of a person eighteen years of age or older while operating the all‑terrain vehicle.

(B) Subsections (A)(2) and (A)(3) do not apply to a parent or legal guardian of a person born on or before August 15, 2001, who permits that person to operate an all‑terrain vehicle and who establishes proof that the parent or legal guardian owned the all‑terrain vehicle prior to August 15, 2009.

Section 50‑26‑30. An operator of an all‑terrain vehicle may not carry a passenger, except on those vehicles specifically designed by the manufacturer to carry passengers in addition to the operator.

Section 50‑26‑40. A person may not knowingly sell or offer to sell an all‑terrain vehicle:

(1) for use by a person under eight years of age;

(2) with an engine capacity of seventy cubic centimeter displacement or greater for use by a person less than twelve years of age; or

(3) with an engine capacity of greater than ninety cubic centimeter displacement for use by a person less than sixteen years of age.

Section 50‑26‑50. An all‑terrain vehicle sold, offered for sale, or operated in this State must be equipped with the following equipment:

(1) a brake system maintained in good operating condition;

(2) an effective muffler system maintained in good operating condition; and

(3) a United States Forest Service qualified spark arrester maintained in good operating condition.

Section 50‑26‑60. A person operating an all‑terrain vehicle shall wear eye protection and a safety helmet meeting United States Department of Transportation standards for motorcycle helmets.

Section 50‑26‑70. A person operating or owning an all‑terrain vehicle may not:

(1) operate an all‑terrain vehicle while under the influence of alcohol, a controlled substance, or a prescription or nonprescription drug that impairs vision or motor coordination;

(2) operate an all‑terrain vehicle in a careless or reckless manner so as to endanger or cause injury or damage to a person or property;

(3) operate an all‑terrain vehicle on a public street, road, or highway, except for purposes of crossing that road or highway;

(4) operate an all‑terrain vehicle on an interstate or limited‑access highway, except as otherwise permitted by law;

(5) operate an all‑terrain vehicle during the hours of darkness, from one‑half hour after sunset to one‑half hour before sunrise and at any time when visibility is reduced due to insufficient light or atmospheric conditions, without displaying a lighted headlamp and tail lamp, unless the use of lights is prohibited by other applicable laws; and

(6) authorize an all‑terrain vehicle to be operated contrary to this chapter.

Section 50‑26‑80. Effective October 1, 2009, an all‑terrain vehicle operator born on or after January 1, 1994, must possess a safety certificate indicating successful completion of an all‑terrain vehicle safety course sponsored or approved by the All‑Terrain Vehicle Safety Institute.

Section 50‑26‑90. 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 56‑26‑100. This chapter does not apply to:

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

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

SECTION 2. This act takes effect upon approval by the Governor.

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