

NO. 65

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

THURSDAY, APRIL 27, 2017

Thursday, April 27, 2017
(Statewide Session)

Indicates Matter Stricken

Indicates New Matter

The Senate assembled at 10:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Psalm 55:6-8

The Psalmist David wrote: "I said, 'Oh, that I had the wings of a dove! I would fly away and be at rest -- I would flee away and stay in the desert, I would hurry to my place of shelter, far from the tempest and storm.' "

Let us pray. Gracious God, I've always thought that it would be a shame to hurry through this life without ever having a special place in which to go and restore one's soul. For many here it would be the serenity of the coast where just strolling down the beach at dusk one can be hypnotized by the rushing waves against the backdrop of a spectacular sunset.

For others it could be the majesty of hiking in forests of the upstate, enjoying the unsurpassed beauty of some of the oldest mountains on the face of this earth.

But whether it be fishing a lazy river or feeling the spray of a majestic waterfall or absorbing a panoramic view -- we can all find a special place in this State where our soul can be at rest. A place where we can feel the very presence of a loving God.

Help us O Lord, to take time to journey in solitude to a special place where we can be overcome with thankful hearts for the wonder of Your creation and the gift of Your spirit. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Motion Adopted

On motion of Senator VERDIN, with unanimous consent, Senators WILLIAMS, SHEHEEN, MASSEY, SABB, CLIMER, GOLDFINCH, SENN, HEMBREE, J. MATTHEWS, CAMPBELL, GREGORY, McELVEEN, REESE, FANNING, RICE, TALLEY and VERDIN were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

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REGULATION RESUBMITTED

The following was received:

Document No. 4735

Agency: Workers' Compensation Commission

Chapter: 67

Statutory Authority: 1976 Code Section 42-3-30

SUBJECT: Chapter Revisions

Received by Lieutenant Governor January 10, 2017

Referred to Judiciary Committee

Legislative Review Expiration May 10, 2017

Resubmitted April 27, 2017

Doctor of the Day

Senator MARTIN introduced Dr. Jennifer Root of West Columbia, S.C., Doctor of the Day.

Leave of Absence

At 10:13 A.M., Senator MARTIN requested a leave of absence for Senator DAVIS for the day.

Leave of Absence

At 10:16 A.M., Senator MALLOY requested a leave of absence for Senator WILLIAMS for the day.

Leave of Absence

At 10:16 A.M., Senator MALLOY requested a leave of absence for Senator SCOTT for the day.

**RECALLED, AMENDED
READ THE SECOND TIME**

H. 3247 -- Reps. Crosby, Collins, Daning, Knight and Clemons: A BILL 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

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WITH THE TERM “CHAPTER”; 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 THAT THE HOLDER OF A CONDITIONAL DRIVER’S LICENSE MAY OPERATE A MOPED DURING DAYLIGHT HOURS; 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”, AND TO PROVIDE THAT THE HOLDER OF A SPECIAL RESTRICTED DRIVER’S LICENSE MAY OPERATE A MOPED DURING 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 PERSON YOUNGER THAN SEVENTEEN YEARS OF AGE WHILE OPERATING A MOTOR VEHICLE UNDER A MOPED OPERATOR’S LICENSE WHO OBTAINS SIX POINTS AGAINST HIS DRIVING RECORD SHALL HAVE HIS LICENSE SUSPENDED FOR SIX MONTHS, AND TO PROVIDE THAT A BEGINNER’S PERMIT, CONDITIONAL LICENSE, OR SPECIAL RESTRICTED DRIVER’S 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, 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

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REVOCATION OF A MOPED OPERATOR'S LICENSE, SO AS TO PROVIDE A MAXIMUM SPEED FOR THE OPERATION OF A MOPED AND FINES AND PENALTIES FOR THE UNLAWFUL OPERATION OF A MOPED; TO AMEND SECTION 56-1-1740, RELATING TO THE ISSUANCE OF A MOPED OPERATOR'S LICENSE, SO AS TO REVISE THE FEE CHARGED FOR ADMINISTERING THE MOPED OPERATOR'S LICENSE EXAMINATION; 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 RAISE THE MAXIMUM SPEED AT WHICH A MOPED MAY BE OPERATED; 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 56-9-20, 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 PROVISION; 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

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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 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 REPEAL ARTICLE 30, CHAPTER 5, TITLE 56 RELATING TO MOPED REGULATIONS.

Senator GROOMS asked unanimous consent to make a motion to recall the Bill from the Committee on Transportation.

Senator GROOMS asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

Senator GROOMS proposed the following amendment (3247R001.DR.LKG), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 56-1-10 of the 1976 Code is amended to read:

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“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 GVWR 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 with a motor of fifty cubic centimeters or less or designed to have an input of no less than seven hundred fifty watts and no more than one thousand five hundred watts. If an internal combustion engine is used, then 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."

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 ~~article~~ 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."

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 of Motor Vehicles~~ 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 which entitles the applicant permittee having the permit in his immediate possession to drive a motor vehicle on public highways under the conditions contained in this section on the public highways 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, or mopeds after six o'clock a.m. and not 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, the permittee may operate motorcycles or mopeds after six o'clock a.m. and not later than eight o'clock p.m. A permittee may not operate a motorcycle at any other time unless accompanied by a licensed motorcycle operator twenty one years of age or older who has at least one year of driving experience. A permittee may not operate a moped at any other time unless accompanied by a licensed driver twenty one years of age or older who has at least one year of driving experience.~~

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, but 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 ~~as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:~~

Fees and Penalties Collected After	General Fund of the State	Department of Transportation State Non-Federal Aid Highway Fund
June 30, 2005	60 percent	40 percent
June 30, 2006	20 percent	80 percent
June 30, 2007	0 percent	100 percent."

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 ~~(E)~~(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:

(1) 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;

(2) ~~a motor scooter or light motor driven cycle of five brake horsepower or less, during daylight hours.~~

(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) ~~Daylight hours, as used in this section, means after the hour of 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, the holder of the conditional license may operate a vehicle after six o’clock a.m. and no later than eight o’clock~~

~~p.m. For purposes of this section, all other hours are designated as nighttime hours.~~

~~(E)(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.

~~(F)(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."

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)(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:

~~(1)~~ 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:

- ~~(a)(1)~~ employment or the opportunity for employment;
- ~~(b)(2)~~ travel between the licensee's home and place of employment or school; or

~~(e)(3) travel between the licensee's home or place of employment and vocational training;~~

~~(4) travel between the licensee's church, church-related, church-sponsored activities; or~~

~~(5) travel between the licensee's parentally-approved sports activities.~~

~~(2) a motor scooter or light motor driven cycle of five brake horsepower or less during daylight hours.~~

(C) The waiver or modification of restrictions provided for in ~~item~~ subsection (B)(1) 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) Daylight hours, as used in this section, means after the hour of 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, the holder of the special restricted license may operate a vehicle after six o'clock a.m. and no later than eight o'clock p.m. For purposes of this section, all other hours are designated as nighttime hours.~~

~~(F)~~(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.

~~(G)~~(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."

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

~~"Section 56-1-1710. For purposes of this article, 'moped' means a cycle with pedals to permit propulsion by human power or without pedals and with a motor of not more than fifty cubic centimeters which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground. 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. Reserved."~~

SECTION 8. Section 56-1-1720 of the 1976 Code is amended to read:

~~"Section 56-1-1720. Until January 1, 1987, no person under the age of twelve may operate a moped on the public highways and streets of this State. After December 31, 1986, to operate a moped on the public highways and streets of this State, 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, except that a person whose driver's license has been suspended for a period of six months or less is not required to obtain a moped operator's license or possess a valid driver's license during the period of suspension. From January 1, 1987, to December 31, 1987, the Department shall not issue a moped operator's~~

~~license to any person who is less than thirteen years of age. After December 31, 1987, the~~

(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 of Motor Vehicles shall not may issue a moped operator's license to any a person who is less than fourteen 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; 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 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) Any A person who violates 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 less than twenty five dollars nor more than fifty not more than one hundred dollars and, upon conviction of a second or subsequent offense, must be fined not less than fifty not more than two hundred dollars nor more than one hundred dollars.

~~The Department may not issue a beginner's permit or special restricted license as provided for in Sections 56-1-50 and 56-1-180 to any person convicted of a second or subsequent violation of operating a moped on the public highways and roads of this State while under age, until that person is at least fifteen and one half years of age."~~

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.”

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.”

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; and

(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 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.

(C) 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.

(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 56-2-3075. (A) Any time a moped is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made, the officer who initiated the stop must complete a data collection form designed by the Department of Public Safety that must include information regarding the age, gender, and race or ethnicity of the driver of the moped. This information may be gathered and transmitted electronically under the supervision of the department, which shall develop and maintain a database storing the information collected. The department must promulgate rules and regulations with regard to the collection and submission of the information gathered.

(B) The Department of Public Safety shall develop and maintain a database for the information submitted to the department under

subsection (A) and prepare a report to be posted on the department's website regarding moped stops using the collected information.

(C) The General Assembly shall have the authority to withhold any state funds or federal pass-through funds from any state or local law enforcement agency that fails to comply with the requirements of this section.

(D) This section must be reviewed by the Senate Transportation Committee and the House of Representatives Education and Public Works Committee during the 2022 Session of the General Assembly. The committees must make recommendations of appropriate changes, if any, to this section before the end of the 2022 Session.

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 that 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."

SECTION 12. Article 2, 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."

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) ‘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. Reserved.

(2) ‘Motor vehicle’ means every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. Reserved.

(3) ‘Motorcycle’ means every motorcycle 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. Reserved.

(4) ‘Motor-driven cycle’ means every motorcycle, including every motor scooter, with a motor which produces not to exceed five horsepower. 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) ~~'Nonresident'~~ means every person who is not a resident of this State. Reserved.

(23) 'Dealer' or 'motor vehicle dealer' means both 'dealer' and 'wholesaler' as defined in Chapter 15 of this title.

(24) ~~[Deleted]~~ 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) 'Moped' means every cycle with pedals to permit propulsion by ~~human power and with a motor of not more than fifty cubic centimeters which produces not to exceed one and one half brake horsepower and which is not capable of propelling the vehicle at a speed in excess of twenty five miles per hour on level ground. 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.~~ 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) ~~'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. Reserved.~~

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 ~~therefor~~ has been delivered by the owner to the department.”

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 State Tax Commission Department of Revenue.”

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 ~~motor-driven cycle moped~~. The department shall classify a three-wheel vehicle by the manufacturers manufacturer’s statement 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.”

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 ~~motor driven cycle~~ moped the biennial registration fee is ten dollars.”

SECTION 18. Section 56-5-120 of the 1976 Code is amended to read:

“Section 56-5-120. ~~Every device in, upon or by which any 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, is a ‘vehicle’.~~ Reserved.”

SECTION 19. Section 56-5-130 of the 1976 Code is amended to read:

“Section 56-5-130. ~~Every vehicle which is self propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, is a ‘motor vehicle’.~~ Reserved.”

SECTION 20. Section 56-5-140 of the 1976 Code is amended to read:

“Section 56-5-140. ~~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, is a ‘motorcycle’.~~ Reserved.”

SECTION 21. Section 56-5-150 of the 1976 Code is amended to read:

“Section 56-5-150. ~~Every motorcycle, including every motor scooter, with a motor which produces not to exceed five horsepower is a ‘motor driven cycle’.~~ Reserved.”

SECTION 22. Section 56-5-155 of the 1976 Code is amended to read:

“Section 56-5-155. ~~A motorcycle three-wheel vehicle means a motor vehicle having no more than three permanent functional wheels in contact with the ground and includes motorcycles with detachable side cars, having a saddle type seat for the operator, and handle bars or a motorcycle type steering device, but excludes a tractor or automotive three-wheel vehicle.~~ Reserved.”

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SECTION 23. Section 56-5-165 of the 1976 Code is amended to read:

~~“Section 56-5-165. Notwithstanding the provisions of Section 56-5-160, every cycle with pedals to permit propulsion by human power or without pedals and with a motor of not more than fifty cubic centimeters which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground is a moped. 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. Reserved.”~~

SECTION 24. Section 56-5-361 of the 1976 Code is amended to read:

~~“Section 56-5-361. Every motor vehicle except motorcycles and motor driven cycles mopeds, designed for carrying ten passengers or less and used for the transportation of persons is a ‘passenger car’.”~~

SECTION 25. Section 56-5-410 of the 1976 Code is amended to read:

~~“Section 56-5-410. An ‘owner’ is a person, other than a lienholder, having the property 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. Reserved.”~~

SECTION 26. Section 56-5-1550 of the 1976 Code is amended to read:

~~“Section 56-5-1550. No person shall operate any motor driven cycle at any time mentioned in Section 56-5-4450 at a speed greater than thirty-five miles per hour unless such motor driven cycle is equipped with head lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead. Reserved.”~~

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 twenty-five 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.”~~

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.

~~Until January 1, 1989, any person who fails to display the lights of a vehicle he is operating when lights are required by this section due to inclement weather or environmental factors may be issued only a warning ticket.~~

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

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, mopeds, 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) ~~'Nonresident.'~~ Every person who is not a resident of this State; Reserved.

(7) ~~'Nonresident operating privilege.'~~ The privilege conferred upon a nonresident by the laws of this State pertaining to the operation by him of a motor vehicle or the use of a motor vehicle owned by him in this State; Reserved.

(8) ~~'Operator.'~~ Every person who is in actual physical control of a motor vehicle, whether or not licensed as an operator or chauffeur under the laws of this State; 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 30. Section 56-9-110 of the 1976 Code is amended to read:

~~"Section 56-9-110. This chapter shall not apply with respect to any accident or judgment arising therefrom or violation of the motor vehicle laws of this State, occurring prior to January 1, 1953. Reserved."~~

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:

- (1) ~~licensed in the State; or~~
- (2) ~~subject to registration in the State;~~

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, 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 no less than one hundred dollars and not more than two hundred dollars or imprisoned for thirty days; ~~for a~~

(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."

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.”

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. ~~This For purposes of this chapter, this definition does not include motorcycles or mopeds.”~~

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

“(a) ‘Motorcycle’ ~~means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than two wheels in contact with the ground is defined in Section 56-1-10. This section shall chapter does not apply to bicycles with helper motors or vehicles defined in Section 56-1-1710.”~~

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 of 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) ‘Driver’ ~~means every person who drives or is in actual physical control of a vehicle. 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) ~~[Deleted]~~ 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) ~~'Motor vehicle' means every vehicle which is self propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.~~
Reserved.

(17) ~~'Motorecycle' 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.~~
Reserved.

(18) 'Motor driven cycle' means every motorcycle, including every motor scooter with a motor which produces not to exceed five horsepower. Reserved.

(19) 'Nonresident' means every person who is not a resident of this State. Reserved.

(20) 'Operator' means every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle. Reserved.

(21) 'Owner' means a person, other than a lienholder, having the property 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. 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) ~~'Vehicle' means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. 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) ~~'Moped' means, notwithstanding item (2), every cycle with pedals to permit propulsion by human power or without pedals and with a motor of not more than fifty cubic centimeters which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground. 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. Reserved.~~

(44) ~~'Automotive three wheel vehicle' means a 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 and a motorcycle three wheel vehicle. Reserved.~~

(45) 'Motorcycle three wheel vehicle' means a 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 handlebars or a motorcycle type steering device, but excluding a tractor or automotive three wheel vehicle. Reserved.

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; ~~and~~

(9) ~~Vehicles~~ 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."

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) ~~motor driven cycles, motor scooters, and~~ mopeds;
- (iv) dune buggies, all-terrain vehicles, go carts, and snowmobiles;
- (v) golf carts; and
- (vi) small commercial risks.”

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 subsection 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.

SECTION 39. Section 56-5-2941(A) of the 1976 Code is amended to read:

“Section 56-5-2941. (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

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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."

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

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.

SECTION 42. This act takes effect February 1, 2018. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS spoke on the amendment.

The amendment was adopted.

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There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 670 -- Senators Jackson, McElveen and McLeod: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF JOHN L. "RABBIT" SCOTT, SR., OF RICHLAND COUNTY, TO HONOR HIS REMARKABLE COMMITMENT TO HIS COMMUNITY, AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

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The Senate Resolution was adopted.

S. 671 -- Senator Leatherman: A JOINT RESOLUTION TO PROVIDE FOR THE CONTINUING AUTHORITY TO PAY THE EXPENSES OF STATE GOVERNMENT IF THE 2017-2018 FISCAL YEAR BEGINS WITHOUT A GENERAL APPROPRIATIONS ACT FOR THAT YEAR IN EFFECT, AND TO PROVIDE EXCEPTIONS.

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Read the first time and referred to the Committee on Finance.

S. 672 -- Senator Leatherman: A CONCURRENT RESOLUTION TO PROVIDE THAT PURSUANT TO SECTION 9, ARTICLE III, OF THE CONSTITUTION OF THIS STATE, 1895, WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN ON THURSDAY, MAY 11, 2017, NOT LATER THAN 5:00 P.M., OR ANYTIME EARLIER, EACH HOUSE SHALL STAND ADJOURNED TO MEET IN STATEWIDE SESSION AT 12:00 NOON ON TUESDAY, MAY 23, 2017, AND CONTINUE IN STATEWIDE SESSION, IF NECESSARY, UNTIL NOT LATER THAN 5:00 P.M. ON THURSDAY, MAY 25, 2017, FOR THE CONSIDERATION OF CERTAIN SPECIFIED MATTERS, AND TO PROVIDE THAT WHEN THE RESPECTIVE HOUSES OF THE GENERAL ASSEMBLY ADJOURN NOT LATER 12:00 NOON TUESDAY, JANUARY 9, 2018, THE GENERAL ASSEMBLY SHALL STAND ADJOURNED SINE DIE.

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The Concurrent Resolution was introduced and referred to the Committee on Finance.

S. 673 -- Senators Gambrell, Alexander, Allen, Bennett, M. B. Matthews, Campbell, Campsen, Climer, Corbin, Courson, Cromer, Davis, Fanning, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE DEDICATION, HEROISM, AND IMPORTANCE OF FIREFIGHTERS IN THE PALMETTO STATE AND TO DECLARE MAY 4, 2017, AS "INTERNATIONAL FIREFIGHTERS' DAY" IN SOUTH CAROLINA.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 674 -- Senators Alexander, Allen, Bennett, Campbell, Campsen, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M. B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Scott, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE, RECOGNIZE, AND HONOR ELECTRIC UTILITY LINEMEN FOR THE ROLE THEY HAVE IN BUILDING, MAINTAINING, AND RESTORING IMPORTANT ELECTRICAL INFRASTRUCTURE IN SOUTH CAROLINA AND ACROSS THE NATION.

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The Senate Resolution was adopted.

H. 4160 -- Rep. Long: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 417 IN GREENVILLE COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 14 TO ITS INTERSECTION WITH BROOKWOOD POINT PLACE "REVEREND CARLOS BLEASE WATSON MEMORIAL HIGHWAY" AND ERECT APPROPRIATE

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MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4196 -- Reps. Tallon, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemons, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis, Yow, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill and Hiott: A CONCURRENT RESOLUTION TO DECLARE MAY 2017 AS "BUILDING SAFETY MONTH" IN SOUTH CAROLINA AND TO RECOGNIZE AND COMMEND LOCAL AND STATE CODE OFFICIALS FOR THE SIGNIFICANT SERVICE THEY PROVIDE IN KEEPING OUR COMMUNITIES SAFE AND OUR ECONOMY GROWING.

The Concurrent Resolution was introduced and referred to the Committee on Labor, Commerce and Industry.

Point of Quorum

At 10:12 A.M., Senator KIMPSON made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

Bennett	Campsen	Climer
Corbin	Cromer	Fanning

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Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Kimpson	Leatherman	Malloy
Martin	Massey	Peeler
Rankin	Rice	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Young		

A quorum being present, the Senate resumed.

THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.

**READ THE THIRD TIME
RETURNED TO THE HOUSE**

H. 3516 -- Reps. Simrill, Lucas, White, G.M. Smith, Pope, Stringer, W. Newton, Bales, Clary, Cole, Delleney, Herbkersman, Hixon, Sandifer, Douglas, Knight, Erickson, Henegan, Ridgeway, Williams, Jefferson, Ott, Govan, Henderson, V.S. Moss, Martin, Spires, Funderburk, D.C. Moss, Brown, Whipper, Cobb-Hunter, Felder, Bernstein, J.E. Smith, Clemons, Clyburn, Daning, Cogswell, Davis, B. Newton, Anthony, Crosby, S. Rivers, Thigpen, Hosey, Murphy, Hardee, Weeks, King, Sottile and Anderson: A BILL TO AMEND SECTION 12-28-310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MOTOR FUEL USER FEE, SO AS TO PHASE IN AN INCREASE OF TEN CENTS ON THE FEE OVER FIVE YEARS; TO AMEND SECTIONS 56-11-410 AND 56-11-450, BOTH RELATING TO THE ROAD TAX, SO AS TO INCREASE THE ROAD TAX IN THE SAME MANNER AS THE MOTOR FUEL USER FEE; TO AMEND SECTION 56-3-620, AS AMENDED, RELATING TO THE BIENNIAL REGISTRATION OF A MOTOR VEHICLE, SO AS TO INCREASE THE FEE FOR THE REGISTRATION; BY ADDING SECTION 56-3-627 SO AS TO REQUIRE EACH RESIDENT TO PAY AN INFRASTRUCTURE MAINTENANCE FEE UPON FIRST REGISTERING ANY VEHICLE AND CERTAIN OTHER ITEMS IN THIS STATE AND TO SPECIFY THE MANNER IN WHICH THE FEE IS CALCULATED, CREDITED, AND ADMINISTERED; BY ADDING SECTION 56-3-645 SO AS TO IMPOSE A ROAD USE FEE ON CERTAIN MOTOR VEHICLES THAT OPERATE ON FUEL THAT IS NOT SUBJECT TO THE

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MOTOR FUEL USER FEE; TO AMEND SECTION 12-36-2110, RELATING TO THE MAXIMUM SALES TAX, SO AS TO INCREASE THE MAXIMUM TAX ON CERTAIN ITEMS; TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO AS TO EXEMPT ANY ITEM SUBJECT TO THE INFRASTRUCTURE MAINTENANCE FEE; TO AMEND SECTION 12-36-1710, RELATING TO THE CASUAL EXCISE TAX, SO AS TO PROVIDE THAT MOTOR VEHICLES AND MOTORCYCLES ARE NOT SUBJECT TO THE TAX; AND TO AMEND ARTICLE 23, CHAPTER 37, TITLE 12, RELATING TO MOTOR CARRIERS, SO AS TO DEFINE TERMS, TO PROVIDE THAT THE ARTICLE DOES NOT APPLY TO A SMALL COMMERCIAL VEHICLE, TO PROVIDE THAT CERTAIN VEHICLES ARE ASSESSED AND APPORTIONED BASED ON A ROAD USE FEE INSTEAD OF PROPERTY TAXES, TO PROVIDE THAT THE ROAD USE FEE IS DUE AT THE SAME TIME AS REGISTRATION FEES, TO PROVIDE FOR THE DISTRIBUTION OF THE ROAD USE FEE, AND TO EXEMPT CERTAIN SEMITRAILERS, TRAILERS, LARGE COMMERCIAL MOTOR VEHICLES, AND BUSES FROM AD VALOREM TAXATION.

The Senate proceeded to a consideration of the Bill, the question being the third reading of the Bill.

RECESS

At 10:18 A.M., on motion of Senator SETZLER, the Senate receded from business not to exceed 5 minutes.

At 10:37 A.M., the Senate resumed.

The question then was third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 30; Nays 9

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Cromer
Fanning	Goldfinch	Gregory
Grooms	Hutto	Jackson
Johnson	Kimpson	Leatherman

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Malloy	Massey	<i>Matthews, John</i>
<i>Matthews, Margie</i>	McElveen	McLeod
Rankin	Reese	Sabb
Senn	Setzler	Shealy
Sheheen	Talley	Turner

Total--30

NAYS

Climer	Corbin	Hembree
Martin	Peeler	Rice
Timmons	Verdin	Young

Total--9

There being no further amendments, the Bill was read the third time, passed and ordered returned to the House of Representatives with amendments.

Recorded Vote

Had they been present in the Chamber, Senators SCOTT, GAMBRELL, and WILLIAMS would have voted in favor of third reading of the Bill.

REPORTS OF STANDING COMMITTEES

Senator PEELER from the Committee on Education submitted a favorable with amendment report on:

S. 445 -- Senator Hembree: A BILL TO AMEND SECTION 59-40-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN THE SOUTH CAROLINA CHARTER SCHOOLS ACT OF 1996, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 59-40-50, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF CHARTER SCHOOL BOARDS, SO AS TO REVISE AND ADD REQUIREMENTS CONCERNING NONCERTIFIED TEACHER QUALIFICATIONS, GOVERNANCE, NEPOTISM, AND USE OF PROGRAM FUNDING FOR TRANSPORTATION; TO AMEND SECTION 59-40-55, AS AMENDED, RELATING TO CHARTER SCHOOL SPONSORS, SO AS TO REVISE REQUIREMENTS CONCERNING CHARTER SCHOOL CONTRACTS, REPORTING

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REQUIREMENTS, NOTIFICATION OF IDENTIFIED PROBLEMS, ADMISSIONS PROCEDURES, LIMITS ON STATE APPROPRIATIONS SCHOOLS MAY RECEIVE, AND RESERVE FUNDS, AMONG OTHER THINGS; TO AMEND SECTION 59-40-60, AS AMENDED, RELATING TO CHARTER SCHOOL FORMATION PROCEDURES, SO AS TO REVISE REQUIREMENTS CONCERNING CHARTER AMENDMENT PROCEDURES, PUBLIC MEETINGS, AND TRANSFER OF GOVERNANCE AND OPERATIONS OF NEW CHARTER SCHOOLS FROM CHARTER COMMITTEES TO CHARTER SCHOOL LEADERS AND BOARDS; TO AMEND SECTION 59-40-70, AS AMENDED, RELATING TO CHARTER SCHOOL APPLICATION PROCEDURES, SO AS TO REVISE PROCEDURES CONCERNING SUBMISSION OF LETTERS OF INTENT, POWERS OF SCHOOL BOARDS TO REQUEST INFORMATION FROM CHARTER APPLICANTS, APPLICATION MATERIALS REQUIRED FOR SUBMISSION, AND SPONSOR REVIEW OF APPLICATIONS AND RESPONSES TO APPLICATIONS, AMONG OTHER THINGS; TO AMEND SECTION 59-40-80, AS AMENDED, RELATING TO CONDITIONAL AUTHORIZATIONS OF CHARTER SCHOOLS, SO AS TO ALLOW CERTAIN AMENDMENTS TO CHARTER SCHOOL APPLICATIONS OR FORM AGREEMENTS CONCERNING PREOPENING BENCHMARKS REGARDING ENROLLMENT, TO PROVIDE SPONSOR DECISIONS TO GRANT OR DENY CONDITIONAL APPROVAL ARE NOT SUBJECT TO APPEAL, AND TO PROVIDE OPTIONAL OUTCOMES FOR CONDITIONALLY APPROVED CHARTER SCHOOLS THAT FAIL TO MEET CONDITIONS FOR CHARTER APPROVAL; TO AMEND SECTION 59-40-110, AS AMENDED, RELATING TO DURATIONS, RENEWALS, REVOCATIONS, AND TERMINATIONS OF CHARTERS, SO AS TO PROVIDE CHARTER SCHOOLS MUST BE CONSIDERED ACCREDITED PUBLIC SCHOOLS UPON CHARTER APPROVAL AND SUBMISSION OF REQUIRED ANNUAL REPORTS, AND TO SPECIFY THE EVENT THAT BEGINS THE TEN-YEAR TERMS OF CHARTERS; TO AMEND SECTION 59-40-115, AS AMENDED, RELATING TO TERMINATION OF CONTRACTS WITH SPONSORS, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH CHARTERS MAY SEEK AND OBTAIN ALTERNATE SPONSORS, AMONG OTHER THINGS; TO AMEND SECTION 59-40-140, AS

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AMENDED, RELATING TO CHARTER SCHOOL FUNDING, SO AS TO REQUIRE REPORTS OF CERTAIN FEDERAL FUNDS RETAINED BY SPONSORS; TO AMEND SECTION 59-40-150, AS AMENDED, RELATING TO DUTIES OF THE STATE DEPARTMENT OF EDUCATION TO DISSEMINATE INFORMATION ABOUT CHARTER SCHOOLS' FORMATION AND OPERATION AND TO PROVIDE A DIRECTORY OF AUTHORIZED CHARTER SCHOOLS, SO AS TO REVISE THE SPECIFIC REQUIREMENTS OF THESE DUTIES; TO AMEND SECTION 59-40-170, AS AMENDED, RELATING TO THE DUTY OF THE DEPARTMENT TO MAINTAIN AND PROVIDE A LIST OF SCHOOL BUILDINGS SUITABLE AND AVAILABLE FOR CHARTER SCHOOL USE, SO AS TO PROVIDE THE LIST BE MADE AVAILABLE ONLINE AND BE UPDATED AT LEAST ANNUALLY; TO AMEND SECTION 59-40-175, AS AMENDED, RELATING TO THE CHARTER SCHOOL FACILITY REVOLVING LOAN PROGRAM, SO AS TO PROVIDE THE STATE TREASURER MAY USE PROGRAM FUNDS TO CREATE A DEBT RESERVE FUND TO ENHANCE THE ABILITY OF CHARTER SCHOOLS TO OBTAIN FAVORABLE FINANCING TERMS ON CERTAIN BONDS TO FINANCE CHARTER SCHOOL CAPITAL PROJECTS AND CREDIT ENHANCEMENTS, AND TO PROVIDE RELATED REQUIREMENTS AND PROCEDURES; TO AMEND SECTION 59-40-180, AS AMENDED, RELATING TO DUTIES OF THE DEPARTMENT TO PROMULGATE CERTAIN REGULATIONS AND GUIDELINES, SO AS TO REVISE REQUIREMENTS CONCERNING GUIDELINES FOR APPLICATIONS PROCEDURES; TO AMEND SECTION 59-40-230, AS AMENDED, RELATING TO SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICT BOARD OF TRUSTEES, SO AS TO REVISE REQUIREMENTS CONCERNING VACANCIES ON THE BOARD; AND TO REPEAL SECTION 59-40-200 RELATING TO THE EFFECT OF ESTABLISHMENT OF SOUTH CAROLINA PUBLIC CHARTER SCHOOL DISTRICTS ON PENDING AND FUTURE APPLICATIONS.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

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S. 577 -- Senator Alexander: A BILL TO AMEND CHAPTER 5, TITLE 39 OF THE 1976 CODE, RELATING TO UNFAIR TRADE PRACTICES, BY ADDING ARTICLE 7, TO ENACT THE "PYRAMID PROMOTIONAL SCHEME PROHIBITION ACT", TO PROVIDE THAT PYRAMID PROMOTIONAL SCHEMES CONSTITUTE UNFAIR TRADE PRACTICES UNDER THE SOUTH CAROLINA UNFAIR TRADE PRACTICES ACT AND TO PROVIDE NECESSARY DEFINITIONS; AND TO REPEAL SECTION 39-5-30, RELATING TO PYRAMID CLUBS AND SIMILAR OPERATIONS.

Ordered for consideration tomorrow.

Senator DAVIS from the Committee on Invitations polled out S. 647 favorable:

S. 647 -- Senator Leatherman: A SENATE RESOLUTION TO AUTHORIZE THE GREENVILLE YOUNG MEN'S CHRISTIAN ASSOCIATION TO USE THE CHAMBER OF THE SOUTH CAROLINA SENATE AND ANY AVAILABLE COMMITTEE HEARING ROOMS IN THE GRESSETTE BUILDING FOR ITS YOUTH IN GOVERNMENT PROGRAM ON MONDAY, NOVEMBER 13 THROUGH FRIDAY, NOVEMBER 17, 2017. HOWEVER, THE CHAMBER MAY NOT BE USED IF THE SENATE IS IN SESSION OR THE CHAMBER IS OTHERWISE UNAVAILABLE.

Poll of the Invitations Committee
Polled 10; Ayes 10; Nays 0; Not Voting 0

AYES

Davis	Alexander	Reese
Campsen	Cromer	Malloy
Nicholson	Hembree	Young
Goldfinch		

Total--10

NAYS

Total--0

NOT VOTING

Total--0

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

H. 3041 -- Reps. Huggins, Elliott, Long and Hamilton: A BILL TO AMEND SECTION 40-57-115, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL BACKGROUND CHECKS REQUIRED FOR INITIAL LICENSURES BY THE REAL ESTATE COMMISSION, SO AS TO REQUIRE THESE BACKGROUND CHECKS FOR LICENSURE RENEWALS; AND TO AMEND SECTION 40-57-340, RELATING TO LICENSURE RENEWAL REQUIREMENTS FOR REAL ESTATE SALESPERSONS, BROKERS, AND BROKERS-IN-CHARGE, SO AS TO MAKE A CONFORMING CHANGE.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Education submitted a favorable report on:

H. 3220 -- Reps. Allison, West, Collins, Felder, B. Newton, Govan, Brown, Whipper, Davis, Anderson, Loftis and Burns: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-59-175 SO AS TO ESTABLISH THE SOUTH CAROLINA EDUCATION AND ECONOMIC DEVELOPMENT COORDINATING COUNCIL AND TO PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND FUNCTIONS.

Ordered for consideration tomorrow.

Senator SHEALY from the General Committee submitted a favorable report on:

H. 3538 -- Rep. J.E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "PERSONS WITH DISABILITIES RIGHT TO PARENT ACT" BY ADDING CHAPTER 21 TO TITLE 63 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES, LAW ENFORCEMENT, AND THE FAMILY AND PROBATE COURTS, AMONG OTHERS, TO PROTECT THE PARENTING RIGHTS OF PERSONS WITH A DISABILITY BY ESTABLISHING CERTAIN REQUIREMENTS

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AND SAFEGUARDS APPLICABLE IN CHILD CUSTODY, CHILD PROTECTION, AND PROBATE GUARDIANSHIP PROCEEDINGS TO ENSURE THAT PERSONS WITH DISABILITIES ARE NOT DENIED THE RIGHT TO PARENT OR TO HAVE CUSTODY OF OR VISITATION WITH A CHILD BECAUSE OF THE DISABILITY; AND TO PROHIBIT CHILD PLACING AGENCIES AND ADOPTION SERVICE PROVIDERS FROM DENYING PERSONS WITH A DISABILITY THE RIGHT TO ACCESS SERVICES BECAUSE OF THE PERSON'S DISABILITY, WITH EXCEPTIONS; TO AMEND SECTION 63-7-720, RELATING TO REASONABLE EFFORTS REQUIREMENTS FOR PROBABLE CAUSE HEARINGS, SO AS TO REQUIRE CERTAIN EFFORTS IF A PARENT OR LEGAL GUARDIAN HAS A DISABILITY TO INCLUDE REFERRALS FOR SERVICES PROVIDING INSTRUCTION ON ADAPTIVE PARENTING TECHNIQUES AND OTHER REASONABLE ACCOMMODATIONS WITH REGARD TO ACCESSING SERVICES; TO AMEND SECTION 63-7-1640, AS AMENDED, RELATING TO FAMILY COURT DETERMINATIONS WHETHER TO REQUIRE REASONABLE EFFORTS TO PRESERVE OR REUNIFY A FAMILY WHEN THE PARENT OR LEGAL GUARDIAN HAS A DISABILITY, SO AS TO REQUIRE THE COURT TO TAKE INTO CONSIDERATION THE DISABILITY AND WAYS IN WHICH TO ACCOMMODATE THE DISABILITY TO PRESERVE OR REUNIFY THE FAMILY; TO AMEND SECTION 63-7-2570, AS AMENDED, RELATING TO GROUNDS FOR TERMINATION OF PARENTAL RIGHTS, SO AS TO PROHIBIT TERMINATION OF PARENTAL RIGHTS SOLELY ON THE BASIS OF A DISABILITY.

Ordered for consideration tomorrow.

Senator PEELER from the Committee on Education submitted a favorable report on:

H. 3591 -- Reps. Govan, J.E. Smith, Allison, Erickson, G.R. Smith, Felder, Douglas, Martin, Ridgeway, Robinson-Simpson, Yow, Williams, Wheeler, Loftis, D.C. Moss, Henegan, Ryhal, Jordan, Fry, Ballentine, Henderson, Crawford, S. Rivers, Herbkersman, W. Newton, Anthony, Lowe, Arrington, Thayer, Duckworth, Putnam, Gagnon, White, Simrill, McCoy, Stavrinakis, Elliott, Daning, Crosby, Sottile, Cogswell, Neal, McKnight, Hart, McEachern, West, Bamberg, Anderson, Hayes, Norrell, Cobb-Hunter, Davis, B. Newton, Ott, Hosey,

Knight, Jefferson, Brown and Gilliard: A BILL TO AMEND SECTION 59-152-32, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BENCHMARKS AND OBJECTIVES REQUIRED AS PART OF THE FIRST STEPS TO SCHOOL READINESS COMPREHENSIVE LONG-RANGE INITIATIVE, SO AS TO PROVIDE THE BENCHMARKS AND OBJECTIVES MUST BE APPROVED BY THE FIRST STEPS TO SCHOOL READINESS BOARD OF TRUSTEES AND POSTED ON THE INTERNET WEBSITE OF THE STATE OFFICE OF FIRST STEPS TO SCHOOL READINESS; TO AMEND SECTION 59-152-33, RELATING TO THE FIRST STEPS TO SCHOOL READINESS ASSESSMENT, SO AS TO IMPOSE CERTAIN REQUIREMENTS FOR REPORTING AND USE OF THE RESULTS OF THE ASSESSMENT; TO AMEND SECTION 59-152-50, AS AMENDED, RELATING TO MISCELLANEOUS REPORTING REQUIREMENTS, SO AS TO REVISE THE REQUIREMENTS; TO AMEND SECTION 59-152-70, AS AMENDED, RELATING TO FIRST STEP PARTNERSHIP BOARDS, SO AS TO PROVIDE THE STATE OFFICE OF FIRST STEPS TO SCHOOL READINESS ANNUALLY SHALL PUBLISH THE COMPREHENSIVE PLANS OF THESE BOARDS ON THE INTERNET WEBSITE OF THE OFFICE, TO LIMIT THE PERIOD OF TIME IN WHICH LOCAL OFFICES MAY INCREASE THEIR ESTABLISHED OVERHEAD COST RATES, AND TO PROVIDE LOCAL PARTNERSHIPS THAT ARE NOT PART OF MULTICOUNTY PARTNERSHIPS AND EXCEED THEIR OVERHEAD COST RATES ARE INELIGIBLE TO RECEIVE STATE FUNDS; TO AMEND SECTION 63-11-1710, RELATING TO THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS BOARD OF TRUSTEES, SO AS TO REQUIRE THE BOARD ANNUALLY TO PROVIDE ACCOUNTABILITY REPORTS REQUIRED OF STATE AGENCIES; TO AMEND SECTION 63-11-1720, AS AMENDED, RELATING TO THE STATE OFFICE OF FIRST STEPS STUDY COMMITTEE, SO AS TO DELETE PROVISIONS CONCERNING THE COMMITTEE AND TO PROVIDE FOR LEGISLATIVE REVIEW OF THE STATE OFFICE OF FIRST STEPS TO SCHOOL READINESS IF THE OFFICE IS NOT REVIEWED BY THE HOUSE AND SENATE OVERSIGHT COMMITTEES WITHIN A PROSCRIBED TIME PERIOD; TO AMEND SECTION 63-11-1740, AS AMENDED, RELATING TO THE ADMINISTRATION OF THE STATE OFFICE OF FIRST STEPS

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TO SCHOOL READINESS, SO AS TO REQUIRE THE BOARD TO SUBMIT JUSTIFICATIONS AND RECOMMENDATIONS REGARDING THE SALARY OF ITS EXECUTIVE DIRECTOR TO THE AGENCY HEAD SALARY COMMISSION; AND TO REPEAL SECTION 63-11-1735 RELATING TO THE BABYNET INTERAGENCY EARLY INTERVENTION SYSTEM.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

H. 3649 -- Reps. Crawford and Sandifer: A BILL TO AMEND SECTION 40-3-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RULES AND OFFICERS OF THE BOARD OF ARCHITECTURAL EXAMINERS, SO AS TO PROVIDE THE BOARD MAY PROVIDE ADVICE AND MAKE RECOMMENDATIONS TO THE DEPARTMENT OF LABOR, LICENSING AND REGULATION CONCERNING THE DEVELOPMENT OF STATUTORY REVISIONS AND OTHER MATTERS AS THE DEPARTMENT REQUESTS CONCERNING THE ADMINISTRATION OF CHAPTER 3, TITLE 40; TO AMEND SECTION 40-3-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO REVISE THIS JURISDICTION; AND TO AMEND SECTION 40-3-290, RELATING TO EXCEPTIONS FROM CHAPTER 3, TITLE 40, SO AS TO REVISE CRITERIA FOR CERTAIN EXEMPT BUILDINGS AND DETACHED SINGLE-FAMILY OR TWO-FAMILY DWELLINGS.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

H. 3861 -- Reps. Hixon, Hamilton, Crawford, Sandifer and Hewitt: A BILL TO AMEND SECTION 40-57-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF THE REAL ESTATE COMMISSION TO RECOGNIZE NONRESIDENT REAL ESTATE LICENSES ON ACTIVE STATUS FROM OTHER JURISDICTIONS WHICH RECIPROCIATE, SO AS TO REMOVE THE REQUIREMENT THAT SUCH NONRESIDENT APPLICANTS SEEKING LICENSURE IN THIS STATE FIRST MUST COMPLETE SUCCESSFULLY THE STATE PORTIONS OF THE APPLICABLE EXAMINATIONS.

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Ordered for consideration tomorrow.

Senator SHEALY from the General Committee submitted a favorable report on:

H. 3898 -- Reps. Knight, Henegan, Spires, King, Douglas, Robinson-Simpson, Felder, Hosey, Clyburn, Mack, Kirby, Alexander, Bennett, Whipper, Collins, Arrington, Loftis, Pitts, Elliott and M. Rivers: A BILL TO AMEND SECTION 63-9-780, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ACCESS TO AND DISCLOSURE OF NONIDENTIFYING AND IDENTIFYING INFORMATION ABOUT ADOPTEES, BIOLOGICAL PARENTS, AND BIOLOGICAL SIBLINGS, SO AS TO APPLY ALSO TO BIOLOGICAL GRANDPARENTS, AND FOR OTHER PURPOSES.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

H. 3927 -- Reps. Simrill, Herbkersman, J.E. Smith, Bernstein, G.M. Smith and Weeks: A BILL TO AMEND SECTION 41-43-100, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIREMENT THAT THE STATE FISCAL ACCOUNTABILITY AUTHORITY APPROVE INTEREST RATES ON BONDS ISSUED TO FINANCE INDUSTRIAL DEVELOPMENT PROJECTS UNDER THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT FUND ACT, SO AS TO DELETE THE REQUIREMENT AND TO SPECIFY APPROVAL OF THESE INTEREST RATES BY THE SOUTH CAROLINA COORDINATING COUNCIL FOR ECONOMIC DEVELOPMENT IS NOT REQUIRED; AND TO AMEND SECTION 41-43-110, AS AMENDED, RELATING TO THE POWER OF THE AUTHORITY TO ISSUE CERTAIN BONDS, SO AS TO MAKE CONFORMING AND RELATED CHANGES.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable report on:

H. 4000 -- Reps. J.E. Smith, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemons, Clyburn, Cobb-Hunter,

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Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D.C. Moss, V.S. Moss, Murphy, B. Newton, W. Newton, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G.M. Smith, G.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THE ESSENTIAL VALUE AND IMPORTANCE OF SOUTH CAROLINA NATIVE PLANTS TO THE STATE'S HISTORY, ECONOMY, LANDSCAPE, AND ENVIRONMENT AND TO DESIGNATE OCTOBER 16-20, 2017, THE THIRD WEEK OF OCTOBER, AS "SOUTH CAROLINA NATIVE PLANT WEEK."

Ordered for consideration tomorrow.

Appointments Reported

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

Statewide Appointments

Initial Appointment, South Carolina State Athletic Commission, with the term to commence June 30, 2014, and to expire June 30, 2018

3rd Congressional District:

William J. "Bill" D'Andrea, 101 Morgan Dr., Central, SC 29630 *VICE*
Anthony Quinn Eubank (resigned)

Received as information.

Initial Appointment, South Carolina Board of Real Estate Appraisers, with the term to commence May 31, 2017, and to expire May 31, 2020

Mortgage Lending:

Raymond M. Hammond, 218 Highhill Drive, Columbia, SC 29209
VICE Andrew S. Johnson

Received as information.

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Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable report on:

Statewide Appointment

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2016, and to expire April 6, 2022

6th Congressional District:

Mitch Lowrey, 132 Forest Grove Road, Estill, SC 29918 *VICE*
Rebecca Morrison Hughes

Received as information.

ACTING PRESIDENT PRESIDES

Senator CROMER assumed the Chair.

HOUSE CONCURRENCES

S. 667 -- Senator Fanning: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. JAMES GILL "JIM" KNOX III, PRINCIPAL OF LEWISVILLE HIGH SCHOOL, UPON THE OCCASION OF HIS RETIREMENT AFTER FIFTY-TWO YEARS OF EXEMPLARY SERVICE IN EDUCATION, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

Returned with concurrence.

Received as information.

S. 668 -- Senators Peeler, J. Matthews, Grooms, Hutto, Hembree, Young, Rice, Talley, Setzler, Rankin, Jackson, Malloy, Sheheen, Nicholson, Turner and Senn: A CONCURRENT RESOLUTION TO CONGRATULATE SOUTH CAROLINA'S 2017 DISTRICT TEACHERS OF THE YEAR UPON BEING SELECTED TO REPRESENT THEIR RESPECTIVE SCHOOL DISTRICTS, TO EXPRESS APPRECIATION FOR THEIR DEDICATED SERVICE TO CHILDREN, AND TO WISH THEM CONTINUED SUCCESS IN THE FUTURE.

Returned with concurrence.

Received as information.

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THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

ORDERED ENROLLED FOR RATIFICATION

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3936 -- Reps. Whipper, Gilliard, Mack and Brown: A BILL TO AMEND SECTION 7-7-140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN CHARLESTON COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THE CHARLESTON COUNTY VOTING PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO STRIKE OBSOLETE REFERENCES TO THE OFFICE OF RESEARCH AND STATISTICS.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 662 -- Senators J. Matthews and Hutto: A BILL TO CONSOLIDATE THE SCHOOL DISTRICTS IN ORANGEBURG COUNTY INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE ORANGEBURG COUNTY SCHOOL DISTRICT; TO PROVIDE FOR THE ORDERLY TRANSITION TO A SINGLE SCHOOL DISTRICT; TO PROVIDE FOR THE MEMBERSHIP OF THE BOARD OF TRUSTEES, ITS ELECTION, POWERS, AND DUTIES; TO PROVIDE THAT A DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES.

PRESIDENT PRESIDES

At 11:02 A.M., the PRESIDENT assumed the Chair.

REMOVED FROM CONSENT CALENDAR

H. 3132 -- Reps. G.M. Smith and B. Newton: A BILL TO AMEND CHAPTER 71, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA,

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1976, RELATING TO HOSPICE PROGRAMS, SO AS TO ADD DEFINITIONS; TO ESTABLISH CERTAIN LICENSING REQUIREMENTS; TO PROVIDE FOR THE REGISTRATION OF MULTIPLE OFFICE LOCATIONS OF LICENSED HOSPICES; TO PROVIDE FOR EXPANSION OF HOSPICE SERVICE AREAS; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO APPROVE APPLICATIONS FOR REGISTRATION OF MULTIPLE OFFICE LOCATIONS AND FOR EXPANSION OF HOSPICE SERVICE AREAS, WITH EXCEPTIONS; AND FOR OTHER PURPOSES.

On motion of Senator MARTIN, the Bill was moved to the Statewide Second Reading Calendar.

REMOVED FROM CONSENT CALENDAR

H. 3742 -- Rep. Pitts: A BILL TO AMEND SECTIONS 24-21-230 AND 24-21-280, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EMPLOYMENT, DUTIES, AND POWERS OF DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES' AGENTS, HEARING OFFICERS, AND STAFF, SO AS TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT MAY EMPLOY OFFENDER SUPERVISION SPECIALISTS, TO PROVIDE THAT THE DEPARTMENT SHALL PROMULGATE REGULATIONS REGARDING THE QUALIFICATIONS FOR THESE EMPLOYEES, AND PROCEDURES FOR CLASSIFYING OFFENDERS AS STANDARD AND LOW-RISK, AND TO PROVIDE THE DUTIES AND AUTHORITY OF AN OFFENDER SUPERVISION SPECIALIST.

On motion of Senator MALLOY, the Bill was moved to the Statewide Second Reading Calendar.

REMOVED FROM CONSENT CALENDAR

H. 3817 -- Reps. Bedingfield, Fry, Henderson, Huggins, Johnson, Hewitt, Crawford, Duckworth, Arrington, Allison, Tallon, Hamilton, Elliott, Jordan, B. Newton, Martin, G.M. Smith, Yow, D.C. Moss, Wheeler, Erickson, V.S. Moss, Long, G.R. Smith, Magnuson, Bradley, Weeks, Taylor, Putnam, Cogswell, Collins, King and Henegan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-53-362 SO AS TO ALLOW PHARMACIES AND OTHER ENTITIES TO REGISTER AS A

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COLLECTOR TO RECEIVE CONTROLLED SUBSTANCES AS PART OF LAW ENFORCEMENT CONTROLLED SUBSTANCE TAKE-BACK EVENTS AND OPERATE CONTROLLED SUBSTANCE MAIL-BACK PROGRAMS AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO FACILITATE AND ENCOURAGE REGISTRATION AND PARTICIPATION.

On motion of Senator MALLOY, the Bill was moved to the Statewide Second Reading Calendar.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 3349 -- Reps. Erickson and B. Newton: A BILL TO AMEND ARTICLE 15, CHAPTER 33, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE NURSE LICENSURE COMPACT, SO AS TO REVISE THE PROVISIONS OF THE COMPACT TO REFLECT CHANGES MANDATED FOR MEMBERSHIP IN THE COMPACT.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (H-3349), which was adopted:

Amend the bill, as and if amended, page 16 by striking line 12 and inserting:

/ Section 40-33-1340. (A) All party states shall participate in
a /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto

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Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Young		

Total--40

NAYS

Total--0

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 3587 -- Reps. Henderson, Knight and Felder: A JOINT RESOLUTION TO CREATE THE "SEIZURE SAFETY IN SCHOOLS STUDY COMMITTEE" TO EXAMINE ISSUES RELATED TO EPILEPSY AND SEIZURE SAFETY AWARENESS IN PUBLIC SCHOOLS, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, AND TO PROVIDE FOR THE STUDY COMMITTEE'S TERMINATION.

The Senate proceeded to a consideration of the Resolution.

The Committee on Medical Affairs proposed the following amendment (WAB\3587C001.AGM.WAB17), which was adopted:

Amend the joint resolution, as and if amended, SECTION 1, page 2, lines 41-43, by deleting subsection (D) in its entirety and inserting:

/ (D) Members of the study committee shall serve without mileage, per diem, subsistence, or other compensation.

(E) Before January 31, 2018, the study committee shall make a report of the committee's recommendations to the General Assembly at which time the study committee must be dissolved. /

Renumber sections to conform.

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Amend title to conform.

The amendment was adopted.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 40; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Fanning
Gambrell	Goldfinch	Gregory
Grooms	Hembree	Hutto
Jackson	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	<i>Matthews, John</i>	<i>Matthews, Margie</i>
McElveen	McLeod	Peeler
Rankin	Reese	Rice
Sabb	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Young		

Total--40

NAYS

Total--0

There being no further amendments, the Resolution was read the second time, passed and ordered to a third reading.

THE SENATE PROCEEDED TO A CONSIDERATION OF THE VETOES.

VETO OVERRIDEN

(R19, S568) -- Senator Sabb: AN ACT TO AMEND ACT 471 OF 2002, RELATING TO THE COMPOSITION OF THE WILLIAMSBURG COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES, SO AS TO PROVIDE THAT THE BOARD SHALL

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INCLUDE TWO MEMBERS FROM THE COUNTY AT-LARGE, TO PROVIDE FOR THE MANNER OF INITIAL APPOINTMENT OF THE TWO AT-LARGE MEMBERS, TO PROVIDE FOR STAGGERED TERMS OF THE TWO AT-LARGE MEMBERS, AND TO CONFORM THE ADDITION OF TWO AT-LARGE MEMBERS TO THE ELECTION OF MEMBERS TO THE BOARD AND FILLING VACANCIES ON THE BOARD.

The veto of the Governor was taken up for immediate consideration.

April 25, 2017

The Honorable Kevin L. Bryant
President of the Senate
State House, First Floor, East Wing
Columbia, South Carolina 29201

Dear Mr. President and Members of the Senate:

I am hereby vetoing and returning without my approval R-19, S. 568, which seeks to add two at-large members to the Board of Trustees of the Williamsburg County School District (“School Board”). Aside from constitutional concerns attendant to such special legislation, S. 568 improperly attempts to vest the Williamsburg County Legislative Delegation with the authority to implement and execute this local law. Therefore, for the reasons set forth below, I must veto S. 568.

At present, the School Board consists of seven members elected from single-member districts who serve staggered four-year terms. S. 568 seeks to restore two at-large members to the School Board as previously provided prior to 2002 S.C. Act No. 471. To initiate this change, the Bill provides that the Williamsburg County Legislative Delegation shall appoint two individuals to serve as at-large members of the School Board until the next nonpartisan election in 2018. For purposes of staggering terms in a manner that is consistent with the other seven School Board members, S. 568 dictates that one of the at-large members elected in 2018 shall serve a two-year term and that the other shall serve a four-year term. However, rather than designating the initial term of each seat, the bill prescribes that “[t]he members of the Williamsburg County Legislative Delegation shall designate which at-large seat shall be subject to the two-year term following the 2018 Election.” R-19, S. 568, § (B)(2) (emphasis added). Therefore, the Williamsburg County

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Legislative Delegation will get to pick, post hoc, which of the two prevailing candidates will serve the longer, four-year term and which will serve the shorter, two-year term. Because the General Assembly may not “undertak[e] ‘to both pass laws and execute them by setting its own members to the task of discharging such functions by virtue of their office as legislators,’” Knotts v. S.C. Dep’t of Nat. Res., 348 S.C. 1, 8, 558 S.E.2d 511, 514 (2002) (quoting Aiken County Bd. of Educ. v. Knotts, 274 S.C. 144, 149–50, 262 S.E.2d 14, 17 (1980)), such a method of implementing staggered terms is inconsistent with our system of separation of powers.

For the foregoing reasons, I am respectfully vetoing R-19, S. 568 and returning the same without my signature.

Yours very truly,
Henry McMaster

Senator SABB explained the veto.

Senator SABB moved that the veto of the Governor be overridden.

The question was put, “Shall the Act become law, the veto of the Governor to the contrary notwithstanding?”

The “ayes” and “nays” were demanded and taken, resulting as follows:

Ayes 39; Nays 0

AYES

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Alexander	Allen	Campbell
Campsen	Climer	Corbin
Cromer	Fanning	Gambrell
Goldfinch	Gregory	Grooms
Hembree	Hutto	Jackson
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
<i>Matthews, John</i>	<i>Matthews, Margie</i>	McElveen
McLeod	Peeler	Rankin
Reese	Rice	Sabb
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Young

Total--39

NAYS

Total--0

The necessary two-thirds vote having been received, the veto of the Governor was overridden, and a message was sent to the House accordingly.

Motion Adopted

On motion of Senator LEATHERMAN, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator SHEALY, with unanimous consent, the Senate stood adjourned out of respect to the memory of Dr. James R. Schuster of Timmonsville, S.C. Dr. Schuster was on the way to a charity event for children when his helicopter tragically crashed. He was a loving husband, doting father and devoted doctor who will be dearly missed.

ADJOURNMENT

At 11:18 A.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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