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**S. 258**

**STATUS INFORMATION**

General Bill

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Summary: All-Terrain Vehicle and Recreational Off-Highway Vehicle Act

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

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 11/30/2022 Senate Referred to Committee on **Fish, Game and Forestry**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 131)

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 2/9/2023 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[12/02/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/258_20221202.docx)

[02/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/258_20230209.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 50-26-10, relating to THE “ALL‑TERRAIN VEHICLE SAFETY ACT”, so as to RENAME THE ACT THE “ALL‑TERRAIN VEHICLE AND RECREATIONAL OFF‑HIGHWAY VEHICLE SAFETY ACT”; by amending Section 50-26-20, relating to vehicle DEFINITIONS, so as to ADD THE DEFINITION OF “RECREATIONAL OFF-HIGHWAY VEHICLE”; by amending Section 50-26-30, relating to THE Unlawful use of AN all-terrain vehicle by A child, so as to PROVIDE THE UNLAWFUL USE OF A RECREATIONAL OFF-HIGHWAY VEHICLE BY A CHILD; by amending Section 50-26-40, relating to Restrictions on THE use of AN all-terrain vehicle, so as to PROVIDE RESTRICTIONS ON THE USE OF A RECREATIONAL OFF-HIGHWAY VEHICLE; by amending Section 50-26-50, relating to Exemption from ad valorem personal property taxes for all-terrain vehicles, so as to PROVIDE AN EXEMPTION FROM AD VALOREM PERSONAL PROPERTY TAXES FOR RECREATIONAL OFF-HIGHWAY VEHICLES; by amending Section 50-26-70, relating to Exceptions to THE application of THE chapter TO ALL-TERRAIN VEHICLES, so as to PROVIDE EXCEPTIONS TO THE APPLICATION OF THE CHAPTER TO RECREATIONAL OFF-HIGHWAY VEHICLES; by amending Section 56-19-1010, relating to TitleS for all-terrain vehicleS, so as to PROVIDE A PERSON MAY OBTAIN A TITLE TO A RECREATIONAL OFF-HIGHWAY VEHICLE; by amending Section 56-19-1020, relating to TITLES TO ALL-TERRAIN VEHICLES FOR PERSONS WHO CANNOT PROVIDE PROOF OF OWNERSHIP, so as to PROVIDE THE METHOD OF OBTAINING TITLE TO A RECREATIONAL OFF-HIGHWAY VEHICLE FOR PERSONS WHO CANNOT PROVIDE PROOF OF OWNERSHIP; by amending Section 56-19-1030, relating to THE Title fee for all-terrain vehicleS, so as to PROVIDE THE TITLE FEE FOR RECREATIONAL OFF-HIGHWAY VEHICLES; and by amending Section 56-1-10, relating to VEHICLE DEFINITIONS, so as to PROVIDE THE DEFINITION OF LOW SPEED VEHICLE DOES NOT INCLUDE A RECREATIONAL OFF-HIGHWAY VEHICLE.

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

SECTION 1. Chapter 26, Title 50 of the S.C. Code is amended to read:

CHAPTER 26

All‑Terrain Vehicle and Recreational Off‑Highway Vehicle Safety Act

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

 Section 50‑26‑20. (A) For the purposes of this chapter, :

 (1) ‘all‑terrainAll‑terrain vehicle’ or ‘ATV’ means a motorized vehicle designed primarily for off‑road travel on low‑pressure tires which has three or more wheels and handle bars for steering, but does not include lawn tractors, battery‑powered children’s toys, or a vehicle that is required to be licensed or titled for highway use. The term ‘ATV’ includes Type I‑single passenger all‑terrain vehicles and Type II‑tandem passenger all‑terrain vehicles.

 (2) ‘Recreational Off‑Highway Vehicle’ or ‘ROV’ means a motorized off‑highway vehicle designed to travel on four or more tires, intended by the manufacturer for use by one or more persons and originally manufactured with the following components and characteristics: a steering wheel for steering; non straddle seating; seat belts; a rollover protective structure; maximum speed capability greater than thirty miles per hour; less than eighty inches in overall width, exclusive of accessories, engine displacement of less than one thousand cc; and identification by means of a seventeen character personal identification number or vehicle identification number.

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

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

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

 (D) It is unlawful to remove from an ATV or a recreational off‑highway vehicle the manufacturer Age Restriction Warning Label affixed by the manufacturer required by ANSI/SVIA .

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

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

 (G)(F) A person fifteen years of age or younger also may not operate, ride, or otherwise be propelled on an all‑terrain vehicle within this State unless the person wears a safety helmet meeting standard FMVSS #218 and eye protection. No person fifteen years of age or younger shall be a passenger in a recreational off‑highway vehicle unless the person is wearing eye protection, wearing an approved safety helmet, and properly secured by a seat belt.

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

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

 (B) It is unlawful to operate an all‑terrain vehicle or a recreational off‑highway vehicle except in compliance with the local regulations and restrictions for all‑terrain vehicle or recreational off**‑**highway vehicle operation.

 (C) A person sixteen years of age or younger who operates an all‑terrain vehicle or a recreational off‑highway vehicle must be accompanied by an adult.

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

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

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

 (G) It is unlawful to operate an all‑terrain vehicle or a recreational off‑highway vehicle while under the influence of alcohol or any controlled substance.

 (H) It is unlawful to operate an all‑terrain vehicle or a recreational off‑highway vehicle in a reckless manner.

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

 (J) It is unlawful to operate a recreational off‑highway vehicle while carrying a passenger in the bed of the recreational off‑highway vehicle.

 (K) It is unlawful to operate a recreational off‑highway vehicle while carrying more passengers than recommended by the manufacturer in the recreational off‑highway vehicle’s owner’s manual.

 Section 50‑26‑50. All‑terrain vehicles are exempt from ad valorem personal property taxes beginning with calendar year 2011. Recreational off‑highway vehicles are exempt from ad valorem personal property taxes beginning with calendar year 2023.

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

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

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

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

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

SECTION 2. Article 9, Chapter 19, Title 56 of the S.C. Code is amended to read:

Article 9

Titling of All‑Terrain and Recreational Off‑Highway Vehicles

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

 Section 56‑19‑1020. When a person who is not a licensed ATV or recreational off‑highway vehicle dealer receives by purchase, gift, trade, or by another means a vehicle that was titled in this State, the person who receives the vehicle may make application to the department for a title. The application must be accompanied by the required documents and fee for title. The department shall issue a certificate of title once it has received a properly completed application. An owner of an ATV, prior to July 1, 2011, or an owner of a recreational off‑highway vehicle, prior to July 1, 2023, before the effective date of this article, who cannot provide proof of ownership, may request an affidavit from the sheriff in the county in which he resides. The affidavit shall state that the sheriff finds the person making application for the title is the legal owner of the ATV or recreational off‑highway vehicle, as applicable. Before issuing the affidavit, the sheriff must verify through the National Crime Information Center that the ATV or recreational off‑highway vehicle is not stolen. The department shall issue a title application to the owner upon presentation of the affidavit, application, and fee.

 Section 56‑19‑1030. The title fee for an ATV or a recreational off‑highway vehicle is contained in Section 56‑19‑420(A). For the purposes of this article, an all‑terrain vehicle (ATV) and recreational off‑highway vehicle is are defined as provided in Section 50‑26‑20.

SECTION 3. Section 56-1-10 (19) and (20) of the S.C. Code are amended to read:

 (19) “Low speed vehicle” or “LSV” means a four-wheeled motor vehicle, other than an all terrainall‑terrain vehicle as defined in Section 50‑26‑20, or a recreational off‑highway vehicle as defined in Section 50‑26‑20, whose speed attainable in one mile is more than twenty miles an hour and not more than twenty-five miles an hour on a paved level surface, and whose gross vehicle weight rating (GVWR) is less than three thousand pounds.

 (20) “All terrain vehicle” or “ATV” means a motor vehicle measuring fifty inches or less in width, designed to travel on three or more wheels and designed primarily for off-road recreational use, but not including farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehiclesReserved.

SECTION 4. This act takes effect on July 1, 2023.

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