**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3519**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Hardee

Companion/Similar bill(s): 3359, 3409

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Introduced in the House on January 10, 2023

Currently residing in the House Committee on **Education and Public Works**

Summary: Utility Terrain Vehicles

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2022 House Prefiled

12/15/2022 House Referred to Committee on **Education and Public Works**

1/10/2023 House Introduced and read first time ([House Journal‑page 197](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Education and Public Works** ([House Journal‑page 197](h:\hj\20230110.docx))

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**VERSIONS OF THIS BILL**

[12/15/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3519_20221215.docx)

A bill

to amend the South Carolina Code of Laws by aDding Section 56‑2‑140, so as to DEFINE CERTAIN TERMS, ANd FOR THE REGISTRATION AND OPERATION OF UTILITY TERRAIN VEHICLES ON THE HIGHWAYS OF THIS STATE.

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

SECTION 1. Article 1, Chapter 2, Title 56 of the S.C. Code is amended by adding:

Section 56‑2‑140. (A) For the purposes of this section:

(1) “Gated community” means any homeowners' community with at least one access controlled ingress and egress which includes the presence of a guard house, a mechanical barrier, or another method of controlled conveyance;

(2) “Utility Terrain Vehicle” (UTV) means a side‑by‑side, four‑wheel drive, off‑road vehicle intended to transport individuals, cargo, or both with a top speed over thirty‑five miles an hour; a motor of at least four hundred and fifty cubic centimeters; eighty inches or less overall width; designed to travel on four or more wheels, two or four tracks, or combinations of four or more tracks and wheels; using a steering wheel for steering control; with a nonstraddle seat; and with a Gross Vehicle Weight Rating of no more than four thousand pounds; and

(3) Utility Terrain Vehicle does not include golf carts or vehicles specially designed to carry a disabled person.

(B) An individual or business owner of a UTV may obtain a permit decal and registration from the Department of Motor Vehicles upon presenting proof of ownership and liability insurance for the UTV and upon payment of a five dollar fee.

(C) During daylight hours only:

(1) A permitted UTV may be operated within ten miles of the address on the registration certificate and only on a secondary highway or street for which the posted speed limit is fifty‑five miles an hour or less.

(2) A permitted UTV may be operated within ten miles of a point of ingress and egress to a gated community and only on a secondary highway or street for which the posted speed limit is fifty‑five miles an hour or less.

(3) Within ten miles of the registration holder's address, and while traveling along a secondary highway or street for which the posted speed limit is fifty‑five miles an hour or less, a permitted UTV may cross a highway or street at an intersection where the highway has a posted speed limit of more than thirty‑five miles an hour.

(4) A permitted UTV may be operated along a secondary highway or street for which the posted speed limit is fifty‑five miles an hour or less on an island not accessible by a bridge designed for use by automobiles.

(D) A person operating a permitted UTV must be at least sixteen years of age and hold a valid driver's license. The operator of a permitted UTV being operated on a highway or street must have in his possession:

(1) the registration certificate issued by the department;

(2) proof of liability insurance for the UTV; and

(3) his driver's license.

(E) A UTV permit must be replaced with a new permit every five years, or at the time the permit holder changes his address.

(F)(1) A political subdivision may, on designated streets or roads within the political subdivision's jurisdiction, reduce the area in which a permitted UTV may operate from four miles to no less than two miles.

(2) A political subdivision, on primary highways, secondary highways, streets, or roads within the political subdivision's jurisdiction, may create separate UTV paths on the shoulder of its primary highways, secondary highways, streets and roads for the purpose of UTV transportation, if:

(a) the political subdivision obtains the necessary approvals, if any, to create the UTV paths; and

(b) the UTV path is:

(i) separated from the traffic lanes by a hard concrete curb;

(ii) separated from the traffic lanes by parking spaces; or

(iii) separated from the traffic lanes by a distance of four feet or more.

(3) In a county with a population of no less than one hundred fifty thousand and no more than two hundred fifty thousand persons:

(a) if a municipality has jurisdiction over a barrier island, the municipality may enact an ordinance allowing for the operation of a UTV at night on designated portions of the barrier island within the municipality, provided the UTV is equipped with working headlights and rear lights; or

(b) if a barrier island is not within the jurisdiction of a municipality, the county in which the barrier island is located may enact an ordinance allowing for the operation of a UTV at night on designated portions of the county, provided the UTV is equipped with working headlights and rear lights.

If a municipality or county enacts an ordinance allowing UTVs to operate at night on a barrier island, the requirements of subsection (C), other than operation in daylight hours only, shall still apply to all permitted UTVs.

(4) A political subdivision may not reduce or otherwise amend the other restrictions placed on the operation of a permitted UTV contained in this section.

(G) The provisions of this section that restrict the use of a UTV to certain streets, certain hours, and certain distances shall not apply to a UTV used by a public safety agency in connection with the performance of its duties.

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

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