CHAPTER 26

All‑Terrain Vehicle Safety Act

**SECTION 50‑26‑10.** Short title.

 This chapter may be cited as “Chandler’s Law”.

HISTORY: 2011 Act No. 24, Section 1, eff July 1, 2011.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Automobiles and Other Motor Vehicles Section 123, Miscellaneous Regulations.

**SECTION 50‑26‑20.** All‑terrain vehicle (ATV) defined.

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

HISTORY: 2011 Act No. 24, Section 1, eff July 1, 2011.

CROSS REFERENCES

Title fee for all‑terrain vehicle (ATV), see Section 56‑19‑1030.

**SECTION 50‑26‑30.** Unlawful use of all‑terrain vehicle (ATV) by child; safety certificate required; helmet and eye protection required; enforcement.

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

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

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

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

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

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

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

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

HISTORY: 2011 Act No. 24, Section 1, eff July 1, 2011.

**SECTION 50‑26‑40.** Restrictions on use of all‑terrain vehicle (ATV).

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

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

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

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

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

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

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

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

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

HISTORY: 2011 Act No. 24, Section 1, eff July 1, 2011.

**SECTION 50‑26‑50.** Exemption from ad valorem personal property taxes for all‑terrain vehicles (ATVs).

 All‑terrain vehicles are exempt from ad valorem personal property taxes beginning with calendar year 2011.

HISTORY: 2011 Act No. 24, Section 1, eff July 1, 2011.

**SECTION 50‑26‑60.** Penalty for violation of chapter.

 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.

HISTORY: 2011 Act No. 24, Section 1, eff July 1, 2011.

**SECTION 50‑26‑70.** Exceptions to application of chapter.

 This chapter does not apply to:

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

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

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

HISTORY: 2011 Act No. 24, Section 1, eff July 1, 2011.