**South Carolina General Assembly**

119th Session, 2011-2012

**A180, R208, H4761**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hiott, D.C. Moss, Agnew, Skelton, Frye, Spires, Owens, Atwater, Bowen, Gambrell, Corbin, Hardwick, Whitmire, Branham, Thayer, Crosby, Allison, Southard, J.R. Smith, Daning, Delleney, Harrison, Hayes, Hixon, V.S. Moss, Pitts, Putnam, Taylor, White and Loftis

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Introduced in the House on February 9, 2012

Introduced in the Senate on April 3, 2012

Last Amended on May 8, 2012

Passed by the General Assembly on May 15, 2012

Governor's Action: May 25, 2012, Signed

Summary: Farm trucks defined

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/9/2012 House Introduced and read first time ([House Journal‑page 15](file:///h%3A%5Chj%20archive%5C2012%5C02-09-12.docx))

 2/9/2012 House Referred to Committee on **Education and Public Works** ([House Journal‑page 15](file:///h%3A%5Chj%20archive%5C2012%5C02-09-12.docx))

 2/9/2012 Scrivener's error corrected

 2/17/2012 Scrivener's error corrected

 3/21/2012 House Committee report: Favorable with amendment **Education and Public Works** ([House Journal‑page 56](file:///h%3A%5Chj%20archive%5C2012%5C03-21-12.docx))

 3/22/2012 Scrivener's error corrected

 3/28/2012 House Member(s) request name added as sponsor: Loftis

 3/28/2012 House Amended ([House Journal‑page 29](file:///h%3A%5Chj%20archive%5C2012%5C03-28-12.docx))

 3/28/2012 House Requests for debate‑Rep(s). Loftis, Hamilton, Toole, Atwater, Ballentine, Lowe, Crawford, Chumley, Merrill, Long, Bales and Pitts ([House Journal‑page 50](file:///h%3A%5Chj%20archive%5C2012%5C03-28-12.docx))

 3/28/2012 House Requests for debate removed‑Rep(s). Atwater, Ballentine, Lowe, Crawford, Chumley, Bales, Merrill, Pitts, Loftis and Long ([House Journal‑page 50](file:///h%3A%5Chj%20archive%5C2012%5C03-28-12.docx))

 3/28/2012 House Read second time ([House Journal‑page 50](file:///h%3A%5Chj%20archive%5C2012%5C03-28-12.docx))

 3/28/2012 House Roll call Yeas‑113 Nays‑0 ([House Journal‑page 76](file:///h%3A%5Chj%20archive%5C2012%5C03-28-12.docx))

 3/29/2012 House Read third time and sent to Senate ([House Journal‑page 13](file:///h%3A%5Chj%20archive%5C2012%5C03-29-12.docx))

 3/29/2012 Scrivener's error corrected

 4/3/2012 Senate Introduced and read first time ([Senate Journal‑page 3](file:///h%3A%5Csj%20archive%5C2012%5C04-03-12.docx))

 4/3/2012 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 3](file:///h%3A%5Csj%20archive%5C2012%5C04-03-12.docx))

 4/18/2012 Senate Committee report: Favorable **Transportation** ([Senate Journal‑page 18](file:///h%3A%5Csj%20archive%5C2012%5C04-18-12.docx))

 4/19/2012 Senate Read second time ([Senate Journal‑page 53](file:///h%3A%5Csj%20archive%5C2012%5C04-19-12.docx))

 4/19/2012 Senate Roll call Ayes‑33 Nays‑1 ([Senate Journal‑page 53](file:///h%3A%5Csj%20archive%5C2012%5C04-19-12.docx))

 4/24/2012 Senate Read third time and enrolled ([Senate Journal‑page 17](file:///h%3A%5Csj%20archive%5C2012%5C04-24-12.docx))

 5/2/2012 Senate Reconsider vote whereby read third time and enrolled ([Senate Journal‑page 3](file:///h%3A%5Csj%20archive%5C2012%5C05-02-12.docx))

 5/8/2012 Senate Amended

 5/8/2012 Senate Read third time and returned to House with amendments

 5/8/2012 Senate Roll call Ayes‑38 Nays‑0

 5/15/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 24](file:///h%3A%5Chj%20archive%5C2012%5C05-15-12.docx))

 5/15/2012 House Roll call Yeas‑104 Nays‑0 ([House Journal‑page 25](file:///h%3A%5Chj%20archive%5C2012%5C05-15-12.docx))

 5/23/2012 Ratified R 208

 5/25/2012 Signed By Governor

 5/31/2012 Effective date 05/25/12

 6/1/2012 Act No. 180

**VERSIONS OF THIS BILL**

[2/9/2012](file:///p%3A%5Cpprever%5C2011-12%5C4761_20120209.docx)

[2/9/2012-A](file:///p%3A%5Cpprever%5C2011-12%5C4761_20120209A.docx)

[2/17/2012](file:///p%3A%5Cpprever%5C2011-12%5C4761_20120217.docx)

[3/21/2012](file:///p%3A%5Cpprever%5C2011-12%5C4761_20120321.docx)

[3/22/2012](file:///p%3A%5Cpprever%5C2011-12%5C4761_20120322.docx)

[3/28/2012](file:///p%3A%5Cpprever%5C2011-12%5C4761_20120328.docx)

[3/29/2012](file:///p%3A%5Cpprever%5C2011-12%5C4761_20120329.docx)

[4/18/2012](file:///p%3A%5Cpprever%5C2011-12%5C4761_20120418.docx)

[5/8/2012](file:///p%3A%5Cpprever%5C2011-12%5C4761_20120508.docx)

(A180, R208, H4761)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑225 SO AS TO DEFINE THE TERM “FARM TRUCK”; BY ADDING SECTION 56‑5‑363 SO AS TO PROVIDE WHICH COMMERCIAL MOTOR VEHICLES AND THEIR DRIVERS MUST MEET THE REQUIREMENTS OF THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS; TO AMEND SECTION 56‑3‑670, AS AMENDED, RELATING TO FEES FOR FARM TRUCK LICENSES, SO AS TO PROVIDE THAT THE DEFINITION OF “FARM TRUCK” DOES NOT INCLUDE CERTAIN VEHICLES THAT TRANSPORT HAZARDOUS MATERIALS OR SIXTEEN OR MORE PEOPLE; TO AMEND SECTION 56‑5‑4010, RELATING TO SIZE, WEIGHT, AND SPEED LIMITATIONS PLACED ON CERTAIN VEHICLES, SO AS TO PROVIDE THAT THE TRANSPORT POLICE DIVISION HAS THE EXCLUSIVE AUTHORITY TO ENFORCE THE COMMERCIAL MOTOR VEHICLE CARRIER LAWS WHICH INCLUDE FEDERAL MOTOR CARRIER SAFETY REGULATIONS, HAZARDOUS MATERIAL REGULATIONS, AND SIZE AND WEIGHT LAWS AND REGULATIONS; AND TO AMEND SECTION 56‑5‑4150, RELATING TO THE REGISTRATION OF CERTAIN VEHICLES, SO AS TO PROVIDE THAT CERTAIN “FARM TRUCKS” ARE NOT REQUIRED TO HAVE THE NAME OF THE REGISTERED OWNER, LESSOR, OR LESSEE MARKED ON THE VEHICLE.**

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

**Farm truck defined**

SECTION 1. Subarticle 1, Article 3, Chapter 5, Title 56 of the 1976 Code is amended by adding:

 “Section 56‑5‑225. ‘Farm truck’ is defined as a truck used exclusively by the owner for agricultural, horticultural, dairying, livestock, and poultry operations and includes transporting farm processed horticultural products, including soil amendments and mulches owned by the truck’s owner or another person, including first market. However, farm trucks with an empty weight of less than twenty‑six thousand and one pounds may be used for ordinary domestic purposes and general transportation, but must not be used to transport persons or property for hire. No part of this definition may be interpreted to exempt any commercial motor vehicle less than 26,001 pounds GVW/GVWR/GCW/GCWR from all or part of state laws or regulations applicable to intrastate commerce if the vehicle:

 (1) transports hazardous materials requiring a placard; or

 (2) is designed or used to transport sixteen or more people, including the driver.”

**Commercial motor vehicle and its driver**

SECTION 2. Subarticle 1, Article 3, Chapter 5, Title 56 of the 1976 Code is amended by adding:

 “Section 56‑5‑363. (A) Except as otherwise provided by law or through regulations promulgated by the Department of Public Safety, a commercial motor vehicle (CMV) and its driver operating in intrastate commerce with a gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW), and gross combination weight rating (GCWR) equal to or exceeding 26,001 pounds must meet the requirements of the Federal Motor Carrier Safety Regulations, as enforced exclusively by the State Transport Police Division of the Department of Public Safety.

 (B) CMVs operating below 26,001 pounds are exempt from the regulations cited in subsection (A).

 (C) A CMV or its driver is not exempt from the regulations cited in subsection (A) regardless of weight, if the vehicle is:

 (1) designed or used to transport sixteen or more passengers, including the driver; or

 (2) used in the transportation of hazardous materials and is required to be placarded pursuant to 49 C. F. R. part 172, subpart F.”

**Farm truck defined**

SECTION 3. Section 56‑3‑670(A) of the 1976 Code, as last amended by Act 398 of 2006, is further amended to read:

 “(A) For the purpose of this section, ‘farm truck’ is defined as a truck used exclusively by the owner for agricultural, horticultural, dairying, livestock, and poultry operations and includes transporting farm processed horticultural products, including soil amendments and mulches owned by the truck’s owner or another person, including first market. However, farm trucks with an empty weight of less than seven thousand five hundred pounds may be used for ordinary domestic purposes and general transportation but must not be used to transport persons or property for hire. No part of this definition may be interpreted to exempt any commercial motor vehicle less than 26,001 pounds GVW/GVWR/GCW/GCWR from all or part of state laws or regulations applicable to intrastate commerce if the vehicle:

 (1) transports hazardous materials requiring a placard; or

 (2) is designed or used to transport sixteen or more people, including the driver.”

**Transport Police Division of the Department of Public Safety**

SECTION 4. Section 56‑5‑4010 of the 1976 Code is amended to read:

 “Section 56‑5‑4010. (A) It is unlawful for a person to drive or move or for the owner to cause or knowingly to permit to be driven or moved on a highway a vehicle of a size or weight exceeding the limitations stated in this article or otherwise in violation of this article. The maximum size and weight of vehicles herein specified is lawful throughout the State, and local authorities shall have no power or authority to alter these limitations except as express authority may be granted in this article. Provided, that municipalities and their franchisees may operate combinations of vehicles of not more than four units and not more than sixty‑five feet in length on city streets within their corporate limits and the operation of these combinations of units is limited to speeds not in excess of twenty miles an hour, and these combination units must be equipped with brakes meeting braking requirements of Section 56‑5‑4860 and the rear vehicle must be equipped with at least one stoplight.

 (B) The Transport Police Division of the Department of Public Safety has exclusive authority in this State for enforcement of the commercial motor vehicle carrier laws, which include Federal Motor Carrier Safety Regulations, Hazardous Material Regulations, and size and weight laws and regulations.”

**Registration of a vehicle**

SECTION 5. Section 56‑5‑4150 of the 1976 Code is amended to read:

 “Section 56‑5‑4150. (A) The Department of Motor Vehicles upon registering a vehicle, under the laws of this State, which is designed and used primarily for the transportation of property or for the transportation of ten or more persons, may require information and may make investigation or tests necessary to enable it to determine whether the vehicle may be operated safely upon the highways in accordance with all the provisions of this chapter. The department may register the vehicle for a load capacity which, added to the empty or unloaded weight of the vehicle, will result in a permissible gross weight not exceeding the limitations set forth in this chapter. It is unlawful for a person to operate a vehicle or combination of vehicles with a load capacity in excess of that for which it is registered by the department or in excess of the limitations set forth in this chapter. A person making application for a ‘farm truck’ license shall declare in the form prescribed by the department the true unloaded or empty weight of the vehicle and shall stencil or mark in a conspicuous place on the left side of the vehicle the true unloaded or empty weight if the unloaded or empty weight is over five thousand pounds. A ‘farm truck’ operating solely in intrastate commerce and otherwise specified in Section 56‑5‑225 is not required to have the name of the registered owner, lessor, or lessee stenciled or otherwise marked on the vehicle.

 (B) A private motor truck or truck tractor equal to or exceeding 26,001 pounds gross weight and a for‑hire motor truck or truck tractor must have the name of the registered owner or lessor on the side clearly distinguishable at a distance of fifty feet. These provisions do not apply to two‑axle straight trucks hauling raw farm and forestry products. Except as provided in subsection (A) concerning certain ‘farm trucks’, a truck operating pursuant to the federal motor carrier safety regulations must operate with the owner’s, lessor’s, or lessee’s name as required.”

**Time effective**

SECTION 6. This act takes effect upon approval by the Governor.

Ratified the 23rd day of May, 2012.

Approved the 25th day of May, 2012.

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