**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3040**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Daning, Bamberg and Henegan

Document Path: l:\council\bills\swb\5177cm15.docx

Introduced in the House on January 13, 2015

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

Summary: Operation of a motorcycle

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2014 House Prefiled

12/11/2014 House Referred to Committee on **Education and Public Works**

1/13/2015 House Introduced and read first time ([House Journal‑page 74](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/13/2015 House Referred to Committee on **Education and Public Works** ([House Journal‑page 74](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/13/2015 House Member(s) request name removed as sponsor: Alexander

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**VERSIONS OF THIS BILL**

[12/11/2014](file:///p:\pprever\2015-16\3040_20141211.docx)

**A** **BILL**

TO AMEND SECTION 56‑5‑3630, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OPERATION OF A MOTORCYCLE, SO AS TO PROVIDE THAT A MOTORCYCLE PASSENGER WHO IS LESS THAN SEVEN YEARS OF AGE MUST BE SECURED IN AN APPROPRIATE CHILD PASSENGER RESTRAINT SYSTEM; AND TO AMEND SECTION 56‑5‑3710, RELATING TO THE OPERATION OF A MOPED, SO AS TO PROVIDE THAT A MOPED PASSENGER WHO IS LESS THAN SEVEN YEARS OF AGE MUST BE SECURED IN AN APPROPRIATE CHILD PASSENGER RESTRAINT SYSTEM.

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

SECTION 1. Section 56‑5‑3630 of the 1976 Code is amended to read:

“Section 56‑5‑3630. ~~(a)~~(A) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto and the operator shall not carry any other person nor shall any other person ride on a motorcycle unless the motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

~~(b)~~(B) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

~~(c)~~(C) No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

~~(d)~~(D) No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

~~(e)~~(E) No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on the roadway.

(F) Every driver of a motorcycle operated on the highways and streets of this State when transporting a child seven years of age or younger upon the public streets and highways of the State must provide an appropriate child passenger restraint system and must secure the child as follows:

(1) A child from birth up to one year of age or who weighs less than twenty pounds must be properly secured in a rear‑facing child safety seat which meets the standards prescribed for motor vehicles by the National Highway Traffic Safety Administration.

(2) A child who is at least one year of age but less than seven years of age and who weighs at least twenty pounds but less than forty pounds must be secured in a forward‑facing child safety seat which meets the standards prescribed for motor vehicles by the National Highway Traffic Safety Administration.

(3) A child who is at least one year of age but less than seven years of age and who weighs at least forty pounds, but not more than eighty pounds, must be secured by a belt‑positioning booster seat which meets the standards prescribed by the National Highway Traffic Safety Administration. The belt‑positioning booster seat must be used with both lap and shoulder belts. A booster seat must not be used with a lap belt alone.

(4) If a child is at least one year of age but less than seven years of age and weighs more than eighty pounds, the child may be restrained in an adult safety belt.”

SECTION 2. Section 56‑5‑3710 of the 1976 Code is amended to read:

“Section 56‑5‑3710. (A) No person may ride upon a moped other than upon or astride a permanent and regular seat attached to the moped. No moped may be used to carry more persons at one time than the number for which it is designed and equipped.

(B) Every driver of a moped operated on the highways and streets of this State when transporting a child seven years of age or younger upon the public streets and highways of the State must provide an appropriate child passenger restraint system and must secure the child as follows:

(1) A child from birth up to one year of age or who weighs less than twenty pounds must be properly secured in a rear‑facing child safety seat which meets the standards prescribed by the National Highway Traffic Safety Administration.

(2) A child who is at least one year of age but less than seven years of age and who weighs at least twenty pounds but less than forty pounds must be secured in a forward‑facing child safety seat which meets the standards prescribed for motor vehicles by the National Highway Traffic Safety Administration.

(3) A child who is at least one year of age but less than seven years of age and who weighs at least forty pounds, but not more than eighty pounds, must be secured by a belt‑positioning booster seat as prescribed for motor vehicles by the National Highway Transportation Safety Administration. The belt‑positioning booster seat must be used with both lap and shoulder belts. A booster seat must not be used with a lap belt alone.

(4) If a child is at least one year of age but less than seven years of age and weighs more than eighty pounds, the child may be restrained in an adult safety belt.”

SECTION 3. This act takes effect upon approval by the Governor.

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