

## **TITLE 56. MOTOR VEHICLES**

### **CHAPTER 3. MOTOR VEHICLE REGISTRATION AND LICENSING**

#### **ARTICLE 1. SHORT TITLE; DEFINITIONS**

##### **SECTION 56-3-10.** Short title. [SC ST SEC 56-3-10]

This chapter shall be known and cited as the "South Carolina Motor Vehicle Registration and Licensing Act."

##### **SECTION 56-3-20.** Definitions. [SC ST SEC 56-3-20]

For purposes of this chapter, the following words and phrases are defined as follows:

- (1) "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
- (2) "Motor vehicle" means every vehicle which is self-propelled, except mopeds, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.
- (3) "Motorcycle" means every motorcycle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor.
- (4) "Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five horsepower.
- (5) "Authorized emergency vehicle" means vehicles of the fire department (fire patrol), police vehicles, and the ambulances and emergency vehicles of municipal departments or public service corporations designated or authorized by the department or the chief of police of an incorporated municipality.
- (6) "School bus" means every bus owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for the transportation of children to or from school.
- (7) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not constructed so as to carry a load other than a part of the weight of the vehicle and load drawn.
- (8) "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(9) "Road tractor" means every motor vehicle designed and used for drawing other vehicles and not constructed so as to carry a load on it either independently or any part of the weight of a vehicle or load drawn.

(10) "Truck" means every motor vehicle designed, used, or maintained primarily for the transportation of property.

(11) "Special mobile equipment" includes every vehicle, with or without motive power, not designed or used primarily for the transportation of persons or pay-load property and incidentally operated or moved over the highways, including farm tractors, road construction and maintenance machinery, ditchdigging apparatus, well-boring apparatus, truck cranes or mobile shovel cranes, and similar vehicles; this enumeration is deemed partial and does not operate to exclude other vehicles which are within the general terms of this definition.

(12) "Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(13) "Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(14) "Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle.

(15) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(16) "Foreign vehicle" means every vehicle of a type required to be registered brought into this State from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this State.

(17) "Implement of husbandry" means every vehicle which is designed for agricultural purposes and exclusively used by its owner in the conduct of his agricultural operations.

(18) "Solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

(19) "Gross weight" or "gross weight vehicle" means the weight of a vehicle without load

plus the weight of any load on it.

(20) "Load capacity" means the maximum weight of the pay load of the property intended to be transported by a vehicle or combination of vehicles, exclusive of the weight of the vehicle or vehicles.

(21) "Owner" means a person who holds the legal title of a vehicle or, in the event (a) a vehicle is the subject of an agreement for the conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or (b) a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor is deemed the owner for the purpose of this chapter.

(22) "Nonresident" means every person who is not a resident of this State.

(23) "Dealer" or "motor vehicle dealer" means both "dealer" and "wholesaler" as defined in Chapter 15 of this title.

(24) [Deleted]

(25) "Street" or "highway" means the entire width between boundary lines of every way publicly maintained when any part of it is open to the use of the public for vehicular travel.

(26) "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; it does not include an auxiliary instrument designed to be reset by the operator of the motor vehicle for the purpose of recording the distance traveled on trips.

(27) "Odometer reading" means actual cumulative distance traveled disclosed on the odometer.

(28) "Odometer disclosure statement" means a statement, as prescribed by item (4) of Section 56-3-240, certified by the owner of the motor vehicle to the transferee or to the Department of **Motor Vehicles** as to the odometer reading.

(29) "Moped" means every cycle with pedals to permit propulsion by human power and with a motor of not more than fifty cubic centimeters which produces not to exceed one and one-half brake horsepower and which is not capable of propelling the vehicle at a speed in excess of twenty-five miles per hour on level ground. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

(30) "Automotive three-wheel vehicle" means every motor vehicle having no more than three permanent functional wheels in contact with the ground, having a bench seat for the

use of the operator, and having an automotive type steering device, but excluding a tractor or motorcycle three-wheel vehicle.

(31) "Motorcycle three-wheel vehicle" means every motor vehicle having no more than three permanent functional wheels in contact with the ground to include motorcycles with detachable side cars, having a saddle type seat for the operator, and having handlebars or a motorcycle type steering device, but excluding a tractor or automotive three-wheel vehicle.

### **ARTICLE 3. REGISTRATION AND LICENSING GENERALLY**

**SECTION 56-3-110.** Vehicles required to be registered and licensed. [SC ST SEC 56-3-110]

Every motor vehicle, trailer, semitrailer, pole trailer and special mobile equipment vehicle driven, operated or moved upon a highway in this State shall be registered and licensed in accordance with the provisions of this chapter. It shall be a misdemeanor for any person to drive, operate or move upon a highway or for the owner knowingly to permit to be driven, operated or moved upon a highway any such vehicle which is not registered and licensed and the required fee paid as provided for in this chapter.

**SECTION 56-3-115.** Golf carts; permit to operate on highways and streets. [SC ST SEC 56-3-115]

The owner of a vehicle commonly known as a golf cart, if he has a valid driver's license, may obtain a permit from the Department of **Motor Vehicles** upon the payment of a fee of five dollars and proof of financial responsibility which permits his agent, employees, or him to:

- (1) operate the golf cart on a secondary highway or street within two miles of his residence or place of business during daylight hours only; and
- (2) cross a primary highway or street while traveling along a secondary highway or street within two miles of his residence or place of business during daylight hours only.

**SECTION 56-3-120.** Exemptions from registration and licensing requirement. [SC ST SEC 56-3-120]

The following vehicles are exempt from registration and licensing under this chapter:

- (1) a vehicle driven, operated, or moved upon a highway pursuant to the provisions of this chapter relating to nonresidents or under temporary permits issued by the department as authorized;
- (2) any implement of husbandry, including a knuckleboom loader mounted on a trailer or straight truck, whether of a type otherwise subject to registration and license which only incidentally is operated or moved upon a highway;

(3) a special mobile equipment vehicle which only occasionally is moved over a highway and special mobile equipment vehicle of the State or its departments, agencies, or political subdivisions;

(4) a vehicle owned and operated by the government of the United States; and

(5) a trailer or semitrailer of a motor carrier as defined in Section 12-37-2810 for which the fee-in-lieu of taxes and registration requirements has been paid and a distinctive permanent plate has been issued pursuant to Section 12-37-2860.

(6) firefighting vehicles that are publicly owned by the state or a county, municipality, or special purpose district as follows:

(a) motorized firefighting vehicles that carry a pump or water tank in excess of three hundred gallons;

(b) motorized firefighting vehicles containing a hydraulically operated ladder; and

(c) specialized support vehicles that specifically transport equipment utilized for rescue operations, hazardous materials response, wildfire emergencies, breathing air refill support, and incident command.

**SECTION 56-3-130.** Exemption of certain boat, farm and other utility trailers. [SC ST SEC 56-3-130]

Boat trailers under twenty-five hundred pounds, farm trailers and other utility trailers which are privately owned and not for hire need not be licensed or registered.

**SECTION 56-3-140.** Exemption of certain professional racing cars. [SC ST SEC 56-3-140]

Professional racing cars not operated under their own power but towed by another vehicle going to or from a race track need not be registered or licensed.

**SECTION 56-3-150.** Exemption of certain foreign vehicles of nonresident owners; verification process; penalties. [SC ST SEC 56-3-150]

(A) A foreign privately owned and operated passenger vehicle of a nonresident, otherwise subject to registration and license as provided by this chapter, may be operated within this State without being registered and licensed pursuant to this chapter, subject to the conditions that at all times when operated in this State the vehicle:

(1) is duly registered or licensed in the state, territory, district, or country of residence of the owner; and

(2) has displayed on it a valid registration card and registration or license plate or plates.

(B) The vehicle of a nonresident must be registered and licensed pursuant to this chapter upon the earlier of a nonresident's:

(1) subsequent establishment of domicile in this State; or

(2) operation of the vehicle in this State for an accumulated period exceeding one hundred fifty days.

(C) After receipt of a written inquiry from the auditor of any county in which public records show that a person owns or leases real or personal property in that county, the person who is the owner or operator of a nonregistered vehicle must respond within thirty days with a sworn written statement that:

(1) describes each vehicle owned or operated by him;

(2) details the registration location for each vehicle owned or operated by him;

(3) gives the date each vehicle was first owned or operated by him; and

(4) affirms that he has not established domicile in the county.

(D) The written inquiry by the auditor must be delivered in person or sent by certified letter, return receipt requested, to the nonresident's last known address. Before the auditor may send the written inquiry, the auditor must have received a credible report that a person may own or operate a nonregistered vehicle and that the person also may own or lease real or personal property in the county. The determination regarding whether the report is credible is within the discretion of the auditor.

(E)(1) The penalty for violation of this section is as provided for in Section 12-37-2615, in addition to any other penalties prescribed by law for failure timely to register a vehicle pursuant to this section.

(2) A person who wilfully fails to respond to an inquiry from the county auditor and is subsequently shown to have a nonregistered vehicle, who files a false sworn statement, or who otherwise wilfully violates this section, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both, and must pay twice the amount all personal property taxes properly due and payable on the vehicle, and other vehicles owned now or earlier, if the vehicle had been registered lawfully pursuant to this section, plus penalties and interest.

(F) For purposes of this section, "nonregistered vehicle" means a vehicle that is not registered in South Carolina.

**SECTION 56-3-160.** Foreign vehicles of resident owners. [SC ST SEC 56-3-160]

Every foreign vehicle moved into this State the owner of which is a resident of this State immediately becomes liable for registration and license under the provisions of this chapter, and for the purpose of this section, the term "resident of this State" shall include every person who moves temporarily or permanently into this State for the purpose of engaging in any business, profession or employment.

**SECTION 56-3-170.** Reciprocity with respect to the operation of vehicles licensed out of State. [SC ST SEC 56-3-170]

Notwithstanding any provisions of this chapter, the Department of **Motor Vehicles** may grant to any other state, country, territory or district reciprocity with respect to the operation of any vehicles in this State without being registered and licensed under the provisions of this chapter if such other state, country, territory or district extends under its laws, rules and regulations like privileges to vehicles registered and licensed in this State, subject to the conditions that every such vehicle is at all times, when operated in this State, duly registered or licensed in such state, territory, district or country in accordance with the lawful requirements of such state, country, territory or district and that there is displayed thereon a valid registration card and registration or license plate or plates.