

TITLE 56.
MOTOR VEHICLES

CHAPTER 2
Specialized Vehicles

ARTICLE 1
Low Speed Vehicles

SECTION 56-2-100. Conditions for operation on street or highway.

(A) A low speed vehicle may be operated only on a highway for which the posted speed limit is thirty-five miles an hour or less.

(B) A low speed vehicle may cross a highway at an intersection where the highway has a posted speed limit of more than thirty-five miles an hour.

(C) A low speed vehicle must meet the requirements of Federal Motor Vehicle Safety Standard 500 (Part 49 Section 571.500 of the Code of Federal Regulations) at all times when operated on any highway. A low speed vehicle that complies with the equipment requirements in 49 C.F.R. Section 571.500 complies with all equipment requirements of this title.

(D) Nothing in this section prevents local governments from adopting more stringent local ordinances governing low speed vehicle operation.

(E) A county or municipality may prohibit the operation of low speed vehicles on any street or highway if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

(F) The Department of Transportation may prohibit the operation of low speed vehicles on any street or highway if it determines that the prohibition is necessary in the interest of safety.

(G) A farm vehicle, as defined in Section 56-1-2070(C)(2), is not a low speed vehicle for the purposes of this article.

HISTORY: 2005 Act No. 170, Section 2, eff 6 months after approval by the Governor (approved June 7, 2005); 2012 Act No. 264, Section 10, eff June 18, 2012.

SECTION 56-2-105. Golf cart permit and the operation of a golf cart.

(A) For the purposes of this section, “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.

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

(C) During daylight hours only:

(1) A permitted golf cart may be operated within four miles of the address on the registration certificate and only on a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less.

(2) A permitted golf cart may be operated within four 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 thirty-five miles an hour or less.

(3) Within four miles of the registration holder's address, and while traveling along a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less, a permitted golf cart 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 golf cart may be operated along a secondary highway or street for which the posted speed limit is thirty-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 golf cart must be at least sixteen years of age and hold a valid driver's license. The operator of a permitted golf cart 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 golf cart; and
- (3) his driver's license.

(E) A golf cart 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 golf cart may operate from four miles to no less than two miles.

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

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

(b) the golf cart 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 golf cart at night on designated portions of the barrier island within the municipality, provided the golf cart 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 golf cart at night on designated portions of the county, provided the golf cart is equipped with working headlights and rear lights.

If a municipality or county enacts an ordinance allowing golf carts 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 golf carts.

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

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

HISTORY: 2012 Act No. 177, Section 1, eff October 1, 2012; 2015 Act No. 86 (S.211), Section 1, eff June 8, 2015; 2016 Act No. 246 (H.5118), Section 1, eff June 6, 2016.

Editor's Note

2016 Act No. 246, Section 2, provides as follows:

“SECTION 2. Any municipal or county ordinance enacted pursuant to Section 56-2-105(F)(3) shall expire on January 1, 2021.”

SECTION 56-2-110. Driver's license and registration card.

A person operating a low speed vehicle must be at least sixteen years of age and shall hold a valid driver's license. The operator of a low speed vehicle being operated on a highway must have in his possession:

- (1) the registration card issued by the department or the registration card issued by the state in which the low speed vehicle is registered; and
- (2) his driver's license.

HISTORY: 2005 Act No. 170, Section 2, eff 6 months after approval by the Governor (approved June 7, 2005).

SECTION 56-2-120. Title requirement; title applications by nonresidents; license plates.

(A) A low speed vehicle must be titled as specified in this title. The manufacturer's or importer's certificate of origin must identify clearly the vehicle as a low speed vehicle and must certify that the vehicle was manufactured in compliance with the equipment requirements for low speed vehicles in 49 C.F.R. Section 571.500. The State shall not issue vehicle identification numbers to homemade low speed vehicles, retrofitted golf carts, or any other similar vehicles, and these vehicles shall not qualify as low speed vehicles in this State.

(B) If the vehicle is owned by a nonresident, but is subject to issuance of a certificate of title in this State, the application must also contain his:

- (1) full legal name, social security number, or, if the primary user does not have a social security number but has a passport, his passport number;
- (2) driver's license number, whether the license was issued by this State or another jurisdiction;
- (3) date of birth;
- (4) bona fide principal residence address;
- (5) address in this State where the low speed vehicle will be housed and used; and
- (6) mailing address of the primary user of the vehicle. If the primary user is a firm, association, or corporation, the application must contain the business address and federal employer identification number of the primary user.

(C) A low speed vehicle must be registered and licensed in the same fashion as passenger vehicles pursuant to this title and is subject to the same insurance requirements applicable to other motor vehicles under this title.

(D) The Department of Motor Vehicles shall establish a special size and class of license plate for low speed vehicles that clearly identifies the vehicle as a low speed vehicle.

HISTORY: 2005 Act No. 170, Section 2, eff 6 months after approval by the Governor (approved June 7, 2005).

SECTION 56-2-130. Dealer licensing.

A person engaged in the wholesale or retail sale of low speed vehicles must comply with the motor vehicle dealer licensing laws of this State as specified in this title.

HISTORY: 2005 Act No. 170, Section 2, eff 6 months after approval by the Governor (approved June 7, 2005).

ARTICLE 2

Motor Vehicle Registration and Property Tax

SECTION 56-2-2740. Refusal to renew license and registration for non-payment of property tax; biennial plates; validation and revalidation decals; fees.

(A) The Department of Motor Vehicles must refuse to renew the driver's license and motor vehicle registration of a person who has not paid personal property taxes within the time limits prescribed in this chapter. A county treasurer or municipal clerk treasurer must forward notification to the department of persons violating the provisions of this chapter. Notification of individuals violating this chapter must be forwarded to the department in the time and manner determined by the department for the proper administration of this section.

(B) The department shall issue biennial license plates and revalidation decals. The department may enter into contracts with persons, corporations, or governmental subdivisions to issue license plates and revalidation decals. The department, person, corporation, or governmental subdivision shall give a motor vehicle owner a license plate or revalidation decal for the tax year for which personal property taxes and biennial fees have been paid pursuant to Section 56-3-253. Text of (C) effective until November 19, 2018.

(C) All validation decals must be issued for a period not to exceed twelve months.
Text of (C) effective November 19, 2018.

(C) All validation decals must be issued for a period not to exceed twelve months, except for vehicles which do not require the payment of property taxes.

(D) A person or corporation that issues license plates or revalidation decals pursuant to this section may charge a fee in excess of the fee charged by the department.

(E) A governmental subdivision that issues license plates or revalidation decals pursuant to this section may charge a one-dollar fee to defray the expenses associated with the issuance of license plates and revalidation decals.

(F) The department shall supervise the provision of services contained in this section.

HISTORY: 1996 Act No. 459, Section 129; 1997 Act No. 40, Section 1; 2003 Act No. 51, Section 15; 2017 Act No. 89 (H.3247), Section 9, eff November 19, 2018.

Effect of Amendment

2017 Act No. 89, Section 9, in (C), added “, except for vehicles which do not require the payment of property taxes”.

ARTICLE 3

Mopeds

SECTION 56-2-3000. Valid moped operator's license required.

Section effective November 19, 2018.

A person operating a moped on a public highway at all times must have in his possession a valid moped operator's license or valid driver's license and moped registration.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

SECTION 56-2-3010. Moped registration required; special moped license plates; insurance; taxes.

Section effective November 19, 2018.

(A) A moped operated on a public highway must be registered and licensed with the department in the same fashion as passenger vehicles pursuant to this title.

(B) The department shall establish for mopeds a special size and class of license plates with distinctive numbering and/or lettering so as to be identifiable to law enforcement.

(C) Mopeds are not required to be titled or insured in this State.

(D) Mopeds are exempt from ad valorem property taxes in this State.

(E) If a manufacturer's certificate of origin states the vehicle is a "motor scooter", "motor-driven cycle", or any similar term, the definitions of "motorcycle" and "moped", as shown in Section 56-1-10, must be used to determine whether the vehicle must be registered as a moped or must be titled and registered as a motorcycle.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

SECTION 56-2-3020. Mopeds of nonresidents.

Section effective November 19, 2018.

(A) A privately owned and operated moped 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 provided that the moped:

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

(2) has displayed or issued a valid registration, registration card, license plate or decal, or other indicia satisfactorily evidencing compliance with the requirements of the owner's home jurisdiction.

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

(1) establishment of domicile in this State; or

(2) operation of the moped in this State for an accumulated period exceeding one hundred and eighty days.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

SECTION 56-2-3030. Application for registration and licensing of mopeds.

Section effective November 19, 2018.

An owner of a moped required to be registered in this State must make application to the department for the registration and licensing of the moped. The application must be made upon the appropriate form furnished by the department. Every application must bear the signature of the owner.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

SECTION 56-2-3040. Application requirements.

Section effective November 19, 2018.

(A) An application for registration and licensing of a moped must contain:

(1) the name, bona fide residence and mailing address of the owner or business address of the owner if a firm, association or corporation;

(2) a description of the moped including, insofar as this exists with respect to a given moped, the make, model, type of body, serial number or other identifying number, whether the vehicle is new or used, and the date of sale by the manufacturer or seller to the person intending to operate the moped; and

(3) other information that reasonably may be required by the department to enable the department to determine whether the moped is lawfully entitled to registration and licensing.

(B) The application shall be accompanied by a bill of sale and a vehicle registration certificate, manufacturer's certificate of origin, or an affidavit from the applicant certifying that he is the legal and rightful owner of the moped. The documentation provided must list the vehicle specifications, including the total cubic centimeters of the engine or wattage of the engine, as applicable.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

SECTION 56-2-3050. Title issued with moped registration.

Section effective November 19, 2018.

The department, at the request of the owner, may issue a title for the moped in conjunction with the moped registration, provided that the owner makes application for title on the appropriate form and provides the department with a manufacturer's certificate of origin or a prior title. If an owner cannot provide a manufacturer's statement of origin or prior title, the moped may be registered, but not titled.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

SECTION 56-2-3060. Penalties.

Section effective November 19, 2018.

(A) A person is guilty of a misdemeanor who:

(1) fraudulently uses or gives a false or fictitious name or address in an application required to be made under this article;

(2) knowingly makes a false statement in an application; or

(3) knowingly conceals a material fact in an application.

(B) A person who operates or an owner who permits the operation of a vehicle registered and licensed under a violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

SECTION 56-2-3070. Moped operation.

Section effective November 19, 2018.

(A) A person may not ride upon a moped other than upon or astride a permanent and regular seat attached to the moped. A moped may not be used to carry more persons at one time than the number for which it is designed and equipped by the manufacturer to carry.

(B) A moped, while traveling along a multilane highway, must be operated in the farthest right lane except when making a left turn or when travel in the farthest right lane is unsafe.

(C) A person under the age of twenty-one may not operate or ride upon a moped unless he wears a protective helmet identical to underage motorcycle helmet requirements provided in Section 56-5-3660.

(D) A person may not operate a moped at a speed in excess of thirty-five miles per hour.

(E) A person may not operate a moped on a public highway that has a speed limit of greater than fifty-five miles per hour. A person operating a moped may cross an intersection at a public highway that has a speed limit of greater than fifty-five miles per hour.

(F) The operator of a moped must have turned on and in operation the operational lights and the headlight at all times while the moped is in operation.

(G) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

SECTION 56-2-3080. Requirements for selling, leasing, or renting mopeds; penalties.

Section effective November 19, 2018.

(A) It is unlawful for a person in the business of selling, leasing or renting mopeds to sell, lease or rent a moped for use on the public highways of this State without:

- (1) operable pedals, if the moped is equipped with pedals;
- (2) at least one rearview mirror;
- (3) operable headlights and running lights; and
- (4) brake lights which are operable when either brake is deployed.

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

SECTION 56-2-3090. Law governing operation of mopeds posted in seller's place of business.

Section effective November 19, 2018.

A person selling mopeds shall post, in a conspicuous place in his business, a sign that contains a brief explanation of the provisions of law governing the operation of mopeds, including, but not limited to, age restrictions, maximum speeds, and the definition of a moped.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

SECTION 56-2-3100. Moped seller not required to obtain motor vehicle dealer's license.

Section effective November 19, 2018.

A person or entity selling mopeds is not required to obtain a motor vehicle dealer's license.

HISTORY: 2017 Act No. 89 (H.3247), Section 10, eff November 19, 2018.

ARTICLE 4
Penalties

SECTION 56-2-4000. Violations of chapter; penalties.

Section effective November 19, 2018.

It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this State declared to be a felony. A person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days.

HISTORY: 2017 Act No. 89 (H.3247), Section 11, eff November 19, 2018.