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Indicates New Matter

COMMITTEE REPORT

May 13, 2021

**S. 403**

Introduced by Senator Gustafson

S. Printed 5/13/21--S. [SEC 5/18/21 2:14 PM]

Read the first time January 12, 2021.

**THE COMMITTEE ON LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 403) to amend Section 41-18-30(d) of the 1976 Code, relating to the applicability of and exceptions to the South Carolina Amusement Rides Safety Code, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. This act must be known and may be cited as the “South Carolina Go-Kart Definitions Act”.

SECTION 2. Section 41-18-30(D) of the 1976 Code is amended to read:

“(D) This chapter applies to amusement-style concession go‑karts. This chapter does not apply to ~~super‑karts~~ competition-style concession go-karts, provided that:

(1) ~~Only~~ only persons age ~~eighteen or above who hold a valid driver's license~~ twelve and above are allowed to operate ~~super‑karts~~ competition-style concession go-karts, provided that all persons under age eighteen must have parental consent to operate competition-style concession go-karts;~~.~~

(2) ~~No~~ no person shall operate a ~~super‑kart~~ competition-style concession go-kart in any establishment where other permanent amusement devices are located or operated. Establishments offering ~~super‑karts~~ competition-style concession go-karts must not share an entrance or exit with any other establishment offering ~~an~~ a permanent amusement device and must charge a separate fee for operating ~~super‑karts~~ competition-style concession go-karts;~~.~~

(3) ~~A~~ a sign shall be on display on the premises where ~~super‑karts~~ competition-style concession go-karts are operated stating: ‘~~Super‑karts~~ Competition-style concession go-karts are not amusement devices regulated by the South Carolina Department of Labor, Licensing and Regulation. ~~Super‑karts~~ Competition-style concession go-karts may reach speeds in excess of fifty miles per hour. Drive at your own risk.’;

(4) ~~The~~ the owner of a ~~super‑kart~~ competition-style concession go-kart must carry an insurance policy in an amount not less than one million dollars per occurrence against liability for injury to persons or property arising out of the operation or use of such device~~.~~; and

(5) any person who operates a competition-style concession go-kart who does not possess a driver’s license must complete a training session prior to its operation.”

SECTION 3. Section 41-18-40(15) and (16) of the 1976 Code is amended to read:

“(15)(a) ‘Concession go‑kart’ means an amusement ride or device that:

(i) is a single vehicle, unattached to other vehicles or a common frame system;

(ii) is powered without connection to a common energy source;

(iii) is driver‑controlled with respect to acceleration, speed, braking, and steering;

(iv) ~~operates within the containment system of a defined track;~~

~~(v)~~ simulates competitive motor sports; and

~~(vi)~~(v) is used by members of the general public for a fee.

(b) A concession go‑kart has a maximum capacity of two persons and no cargo capacity.

(c) An amusement-style concession go-kart operates within the containment system of a defined track.

(d) A competition-style concession go-kart does not operate within the containment system of a defined track.

~~(16)~~ ~~‘Super‑kart’ means an open‑wheel motorsport vehicle, with or without gearbox or shifter capability, used for racing in excess of fifty miles per hour. Super‑kart does not mean ‘concession go‑kart’ as defined by this section.~~”

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

THOMAS C. ALEXANDER for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill modifies the terms and definitions related to competition-style concession go-karts and amusement-style concession go-karts. Currently, the code defines these go-karts as concession go-karts, and super-karts. This bill re-terms concession go-karts as amusement-style concession go-karts and super-karts as competition-style concession go-karts. This bill also allows only one person age 12 and above who is at least 60 inches tall to operate a competition-style concession go-kart. Currently, only person 18 years or older, with a valid driver’s license may operate a super-kart.

LLR does not regulate super go-carts, nor do they anticipate regulating the newly named competition-style concession go-karts. Therefore, this bill will have no expenditure impact for LLR.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 41-18-30(D) OF THE 1976 CODE, RELATING TO THE APPLICABILITY OF AND EXCEPTIONS TO THE SOUTH CAROLINA AMUSEMENT RIDES SAFETY CODE, TO DIFFERENTIATE BETWEEN AMUSEMENT-STYLE AND COMPETITION-STYLE CONCESSION GO-KARTS; AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Section 41-18-30(D) of the 1976 Code is amended to read:

“(D) This chapter applies to amusement-style concession go‑karts. This chapter does not apply to ~~super‑karts~~ competition-style concession go-karts, provided that:

(1) Only persons age ~~eighteen or above who hold a valid driver's license~~ twelve and above who are at least sixty inches tall are allowed to operate ~~super‑karts~~ competition-style concession go-karts.

(2) No person shall operate a ~~super‑kart~~ competition-style concession go-kart in any establishment where other permanent amusement devices are located or operated. Establishments offering ~~super‑karts~~ competition-style concession go-karts must not share an entrance or exit with any other establishment offering ~~an~~ a permanent amusement device and must charge a separate fee for operating ~~super‑karts~~ competition-style concession go-karts.

(3) A sign shall be on display on the premises where ~~super‑karts~~ competition-style concession go-karts are operated stating: ‘~~Super‑karts~~ Competition-style concession go-karts are not amusement devices regulated by the South Carolina Department of Labor, Licensing and Regulation. ~~Super‑karts~~ Competition-style concession go-karts may reach speeds in excess of fifty miles per hour. Drive at your own risk.’

(4) The owner of a ~~super‑kart~~ competition-style concession go-kart must carry an insurance policy in an amount not less than one million dollars per occurrence against liability for injury to persons or property arising out of the operation or use of such device.”

SECTION 2. Section 41-18-40(15) and (16) of the 1976 Code are amended to read:

“(15)(a) ‘Concession go‑kart’ means an amusement ride or device that:

(i) is a single vehicle, unattached to other vehicles or a common frame system;

(ii) is powered without connection to a common energy source;

(iii) is driver‑controlled with respect to acceleration, speed, braking, and steering;

(iv) ~~operates within the containment system of a defined track;~~

~~(v)~~ simulates competitive motor sports; and

~~(vi)~~(v) is used by members of the general public for a fee.

(b) A concession go‑kart has a maximum capacity of two persons and no cargo capacity.

(c) An amusement-style concession go-kart operates within the containment system of a defined track.

(d) A competition-style concession go-kart does not operate within the containment system of a defined track.

~~(16)~~ ~~‘Super‑kart’ means an open‑wheel motorsport vehicle, with or without gearbox or shifter capability, used for racing in excess of fifty miles per hour. Super‑kart does not mean ‘concession go‑kart’ as defined by this section.~~”

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

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