

# South Carolina Motorcycle Laws

ARTICLE 29.

MOTORCYCLISTS; RIGHTS AND DUTIES THEREOF

**SECTION 56-5-3610.** Rights and duties of operator of motorcycle generally.

Every person operating a motorcycle shall be granted all of the rights and shall be subject to all of the duties applicable to the drivers of motor vehicles, except as to special regulations or other provisions of law which by their nature would not apply.

HISTORY: 1962 Code Section 46-498.4; 1969 (56) 317.

**SECTION 56-5-3630.** Manner in which motorcycles shall be operated.

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

HISTORY: 1962 Code Section 46-498; 1952 Code Section 46-498; 1949 (46) 466; 1978 Act No. 451 Section 6.

**SECTION 56-5-3640.** Motorcycle entitled to full use of lane; riding two or more abreast; overtaking and passing; operation in other instances.

(a) All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This shall not apply to motorcycles operated two abreast in a single lane.

(b) The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

(c) No person shall operate a motorcycle between lanes of traffic, or between adjacent lines or rows of vehicles.

(d) Motorcycles shall not be operated more than two abreast in a single lane.

(e) Items (b) and (c) shall not apply to police officers in the performance of their official duties.

HISTORY: 1962 Code Section 46-498.2; 1969 (56) 317.

**SECTION 56-5-3650.** Footrests; rear view mirror.

(A) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, must be equipped with footrests for its passenger.

(B) A person shall not operate any motorcycle unless it is equipped with a rear view mirror which will afford the operator ample vision to the rear at all times.

HISTORY: 1962 Code Section 46-498.3; 1969 (56) 317; 2006 Act No. 278, Section 1, eff May 23, 2006.

**SECTION 56-5-3660.** Helmets shall be worn by operators and passengers under age twenty-one; helmet design; list of approved helmets.

It shall be unlawful for any person under the age of twenty-one to operate or ride upon a two-wheeled motorized vehicle unless he wears a protective helmet of a type approved by the Department of Public Safety. Such a helmet must be equipped with either a neck or chin strap and be reflectorized on both sides thereof. The department is hereby authorized to adopt and amend regulations covering the types of helmets and the specifications therefor and to establish and maintain a list of approved helmets which meet the specifications as established hereunder.

HISTORY: 1962 Code Section 46-631; 1967 (55) 199; 1980 Act No. 514, Section 1; 1993 Act No. 181, Section 1422.

**SECTION 56-5-3670.** Goggles or face shields shall be worn by operators under age twenty-one; list of approved goggles and face shields.

It shall be unlawful for any person under the age of twenty-one to operate a two-wheeled motorized vehicle unless he wears goggles or a face shield of a type approved by the Department of Public Safety. The department is hereby authorized to adopt and amend regulations covering types of goggles and face shields and the specifications therefor and to establish and maintain a list of approved goggles and face shields which meet the specifications as established hereunder.

HISTORY: 1962 Code Section 46-632; 1967 (55) 199; 1980 Act No. 514, Section 2; 1993 Act No. 181, Section 1423.

**SECTION 56-5-3680.** Wind screens.

The provisions of Section 56-5-3670 with respect to goggles and face shields shall not apply to the operator of a two-wheeled motorized vehicle equipped with a wind screen meeting specifications established by the Department of Public Safety. The department is hereby authorized to adopt and amend regulations covering types of wind screens and specifications therefor.

HISTORY: 1962 Code Section 46-633; 1967 (55) 199; 1993 Act No. 181, Section 1424.

**SECTION 56-5-3690.** Unlawful to sell or distribute helmets, goggles or face shields not approved by Department of Public Safety.

It shall be unlawful to sell, offer for sale or distribute any protective helmets, goggles or face shields for use by the operators of two-wheeled motorized vehicles, or protective helmets for the use of passengers thereon, unless they are of a type and specification approved by the Department of Public Safety and appear on the list of approved devices maintained by the department.

HISTORY: 1962 Code Section 46-634; 1967 (55) 199; 1993 Act No. 181, Section 1425.

**SECTION 56-5-3700.** Penalty for violation of Sections 56-5-3660 to 56-5-3690.

Any person violating the provisions of Sections 56-5-3660 to 56-5-3690 shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.

HISTORY: 1962 Code Section 46-635; 1967 (55) 199.

**SECTION 56-3-1240.** Display of license plates; motorcycles equipped with vertically mounted brackets; missing plates.

License plates issued for motor vehicles must be attached to the outside rear of the vehicle, open to view. However, on truck tractors and road tractors the plates must be attached to the outside front of the vehicle provided that single unit commercial motor vehicles with a gross vehicle weight rating in excess of twenty six thousand pounds may have the license plate on either the outside front or

rear of the vehicle. Every license plate, at all times, must be fastened securely in a horizontal and upright position to the vehicle for which it was issued so as to prevent the plate from swinging. However, if a motorcycle is equipped with vertically mounted license plate brackets, its license plate must be mounted vertically with its top fastened along the right vertical edge. The bottom of the plate must be at a height of not less than twelve inches from the ground in a place and position clearly visible as provided in Section 56 5 4530, and it must be maintained free from foreign materials and in a clearly legible condition. No other license plate, lighting equipment, except as permitted in Section 56 5 4530, tag, sign, monogram, tinted cover, or inscription of metal or other material may be displayed above, around, or upon the plate other than that which is authorized and issued by the Department of Motor Vehicles for the purpose of validating the plate. It is not unlawful to place a decal on the license plate if it does not obscure any letters or numbers. A motor vehicle owner may attach a trailer hitch to a motor vehicle provided the hitch does not obscure more than two inches of the license plate issued to the motor vehicle. It is unlawful to operate or drive a motor vehicle with the license plate missing and a person who is convicted for violating this section must be punished as provided by Section 56 3 2520. HISTORY: 1962 Code Section 46 73; 1952 Code Section 46 73; 1949 (46) 342; 1957 (50) 146; 1974 (58) 2262; 1991 Act No. 46, Section 1; 2007 Act No. 90, Section 2, eff June 14, 2007; 2008 Act No. 347, Section 1, eff June 16, 2008.

**SECTION 56 5 3835.** Driving upon sidewalk.

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

HISTORY: 1978 Act No. 451 Section 7.

**SECTION 56-5-3885.** Unlawful to display obscene bumper sticker.

(A) No person may operate a motor vehicle in this State which has affixed or attached to any part of the motor vehicle which is visible to members of the public not occupying the vehicle any sticker, decal, emblem, or other device containing obscene or indecent words, photographs, or depictions.

(B) Obscene words, photographs, or depictions must be defined and interpreted as provided in Section 16-15-305(B), (C), (D), and (E).

(C) A sticker, decal, emblem, or device is indecent when:

- (1) taken as a whole, it describes, in a patently offensive way, as determined by contemporary community standards, sexual acts, excretory functions, or parts of the human body; and
- (2) taken as a whole, it lacks serious literary, artistic, political, or scientific value.

(D) A person who violates the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be punished by a fine not exceeding two hundred dollars.

HISTORY: 1990 Act No. 443, Section 1.

**SECTION 56-5-4460.** Time when motorcycle lights shall be turned on.

(1) Any person who operates a motorcycle or motor-driven cycle on public streets or highways shall, while so engaged, have the headlights of such motorcycle or motor-driven cycle turned on except for those vehicles exempted by Section 56-5-4470.

(2) Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than twenty-five dollars or be imprisoned for not more than ten days.

HISTORY: 1962 Code Section 46-521.1; 1973 (58) 634.

**SECTION 56-5-4560.** Stop lamps required on motor vehicles.

From and after July 1, 1949 it shall be unlawful for any person to sell any new motor vehicle, including any motorcycle or motor-driven cycle, in this State or for any person to drive such vehicle on the

highways unless it is equipped with a stop lamp meeting the requirements of Section 56-5-4730.  
HISTORY: 1962 Code Section 46-531; 1952 Code Section 46-531; 1949 (46) 466.

**SECTION 56-5-4650.** Lamps on other vehicles and equipment.

All vehicles, including animal-drawn vehicles and implements of husbandry, road machinery or farm tractors and other vehicles not otherwise specifically required to be equipped with lamps, shall at the times specified in Section 56-5-4450 be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of such vehicle and with a lamp or lantern or reflector exhibiting a red light visible from a distance of five hundred feet to the rear.

HISTORY: 1962 Code Section 46-540; 1952 Code Section 46-540; 1949 (46) 466.

(South Carolina Department of Public Safety)