



State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

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June 13, 2006

The Honorable Robert W. Harrell, Jr.
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 3726, R-404, an act to:

AMEND TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FISH, GAME, AND WATERCRAFT, SO AS TO ENACT "CHANDLER'S LAW" BY ADDING CHAPTER 26 SO AS TO PROVIDE FOR CERTAIN REGULATION OF THE OPERATION OF ALL-TERRAIN VEHICLES BY THE DEPARTMENT OF NATURAL RESOURCES, INCLUDING THE REQUIREMENT THAT A PERSON AT LEAST NINE AND NOT OVER SIXTEEN YEARS OF AGE MUST COMPLETE A SAFETY COURSE BEFORE HE MAY OPERATE AN ALL-TERRAIN VEHICLE, TO PROVIDE THAT ALL-TERRAIN VEHICLES ARE EXEMPT FROM AD VALOREM TAXES, AND TO PROVIDE PENALTIES FOR CERTAIN VIOLATIONS; AND TO AMEND CHAPTER 3, TITLE 56, RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING, BY ADDING ARTICLE 10 SO AS TO PROVIDE A PROCEDURE FOR THE TITLING OF ALL-TERRAIN VEHICLES.

I want to preface my rationale by saying simply: anytime a child loses his or her life it is tragic. My thoughts and prayers go out to all those who have suffered the loss of a child. As a father, it represents incomprehensible loss as my and Jenny's top priorities in life revolve around our four boys. Their future is what drives a very large part of what we do both at work and at home. Recognizing that fact, I want to particularly hold out the parents of Chandler Saylor and express my admiration for the way that they've remembered him through the scholarship created in memorial of his life and all the hard work that they have put into this bill. They have taken a tragedy and worked hard to make something good of it – which is something we don't see often enough.

While I agree with the commendable goals of protecting children that prompted this bill, I believe that this bill carries with it unintended consequences that grow government, impinge on private property rights, and diminish parental responsibility.

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First and foremost, I believe that a license or certificate is a poor substitute for parental responsibility. In some cases, this bill may even give parents a false sense of security that their children or their children's friends are safe simply because they have completed a training course or happen to be wearing goggles. I would challenge that assertion and maintain that a parent has the best feel for their child's capabilities and limitations as they relate to the operation of an all-terrain vehicle (ATV). For example, I know that my 13 year-old son has a level of discretion and maturity that exceeds that of many children much older than he is. Accordingly, I would feel more comfortable – given his maturity and the time we've spent together outdoors – giving him more freedom to operate an ATV.

Second, anytime government regulates what individuals may do in the privacy of their own home or within the confines of their property, we should ask ourselves, "Where do the right of the individual end and the jurisdiction of the government begin?"

Unlike boats on public waters or autos on public roads, the debate here is essentially on the usage of a private vehicle on private land. In this setting, the individual, not government, will ultimately have the biggest impact in affecting outcomes because there will never be enough enforcement power to have a government agent on all these properties. When I was growing up, my father had my brothers and I operating very large pieces of farm equipment at an early age, and we were careful with this equipment, not because we took a class or because of government requirements. I believe that any law that diminishes the liberty of an individual, in this instance the ability of a father to make the determination of what is appropriate, should be weighed against the impact on the common good – and considered with deference to alternatives outside the realm of government. As John Stuart Mill put it, "Long as we do not harm others we should be free to think, speak, act and live as we see fit, without molestation from individuals, law, or government."

Third, this bill grows government by mandating that the Department of Natural Resources develop an approved course and oversee its implementation – when, in fact, an ATV safety course could be created and offered by the private sector if enough parents viewed this as a valuable service. It is also true that more children are fatally injured as a result of bicycle accidents than of ATV accidents, yet we don't require goggles or training courses to ride a bike on public roads, much less on private ones. I think it is because most people recognize that even an activity as widespread as riding a bike, though it might be dangerous, is best left in the purview of parents – not government agencies.

Moreover, our law enforcement officers already have the authority to deal with an individual – child or adult – who chooses to operate a motorized vehicle in a reckless or negligent manner in state parks, forests or wildlife areas. In that vein, I also think it is important that we recognize that, tragic as they may be, accidents happen even under the best circumstances of planning and

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preparation. Accordingly, policymakers must target resources to the places they believe will make the biggest difference and balance these decisions against the cost of personal liberty, private property rights and parental responsibility. In this instance, I regretfully believe that the benefit to the public falls short of the threshold that warrants an erosion of these core values.

For the reasons stated above, I am vetoing H. 3726, R-404, and returning it without my approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Sanford", with a long horizontal flourish extending to the right.

Mark Sanford