



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

February 28, 2003

The Honorable Danny Verdin
Senator, District No. 9
Post Office Box 142
Columbia, South Carolina 29202

Dear Senator Verdin:

You have requested an opinion from this Office concerning the legality of carrying a firearm while operating a motorcycle. You requested an interpretation of the law pertaining to both pistols and rifles.

Law / Analysis

The South Carolina Code of Laws restricts the right of a citizen to carry a pistol on his person. S.C. Code Ann. §16-23-20. However, the statute provides that one may carry a pistol in "any vehicle where the pistol is secured in a closed glove compartment, closed console, or closed trunk" S.C. Code Ann. §16-23-20(9). The statute requires that the compartment be closed presumably so that accessibility to the weapon will be somewhat limited. Atty. Gen. Op. dated May 4, 1989. However, there is no requirement that the compartment be locked. Atty. Gen. Op. dated May 4, 1989.

The word vehicle has been defined as that in or on which persons, goods, etc. may be carried from one place to another, especially on the ground. The term refers to any moving support or container fitted or used for the conveyance of bulky objects; a means of conveyance. Atty. Gen. Op. dated May 4, 1989. This Office has previously opined that "vehicle," as used in §16-23-20(9), would probably include a motorcycle. Atty. Gen. Op. dated May 4, 1989. Therefore, it is my opinion that an operator of a motorcycle can carry a pistol if it is secured in a closed glove compartment, a closed console, or a closed trunk.¹ Also, an opinion of our Office concluded that based on State v. Weston, 108 S.C. 383, 94 S.E. 871 (1918), "a pistol carried in a latched saddlebag attached to a motorcycle would not constitute a violation of the State's pistol law." Atty. Gen. Op. dated September 4, 1973.

¹ A CWP permittee may carry a concealable weapon in any manner consistent with the Law Abiding Citizens Self-Defense Act of 1996. See Atty. Gen. Op. dated April 19, 1999.

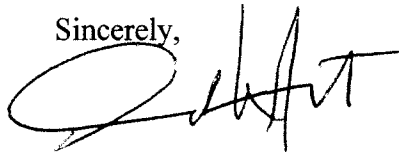
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In addition, you ask whether it is legal to carry a rifle on a motorcycle. There appears to be no distinction under the South Carolina Code of Laws between carrying a rifle in an automobile versus carrying a rifle on a motorcycle. However, pursuant to S.C. Code Ann. §56-5-30(c), the operator of a motorcycle shall not carry any "package, bundle or other article which prevents him from keeping both hands on the handle bars." Therefore, in order to carry a rifle on a motorcycle, the rifle must be secured in a manner that would allow the operator to keep both hands on the handle bars.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Avant', with a large, stylized initial 'D' and a trailing flourish.

David K. Avant
Assistant Attorney General