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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON .
ATTORNEY GENERAL

October 27, 1998

The Honorable Daniel T. Cooper
Member, House of Representatives
P.O. Box 160
Williamston, South Carolina 29697

RE: Informal Opinion

Dear Representative Cooper:

Your recent opinion request has been forwarded to me for reply. You have asked for an interpretation of Section 56-31-30(A) of the South Carolina Code of Laws. Specifically, you ask whether the portion of this statute which requires rental companies to disclose airport surcharges and methods to avoid these charges is limited to disclosure in advertisements of the rental rate or whether it also encompasses disclosure of such in rental agreements.

Section 56-31-30(A) provides in pertinent part as follows:

Airport surcharges which do not apply to every customer may be quoted and charged but must be disclosed clearly and conspicuously in all advertisements of a rental rate either as a specific fee or as a range of fees. The means of avoiding airport surcharges must be disclosed clearly and conspicuously in all advertisements of a rental rate to which airport surcharges may apply.

A number of principles of statutory construction are important in resolving your inquiry. First and foremost, in interpreting a statute, the primary purpose is to ascertain the intent of the General Assembly. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). The words of a statute must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation. Bryant v. City of Charleston, 295 S.C. 408, 368 S.E.2d 899 (1988). The Court must apply the clear and unambiguous terms of a statute according to their literal meaning. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991).

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As I read Section 56-31-30(A), it is clear and unambiguous. It provides that “[a]irport surcharges ... must be disclosed clearly and conspicuously in all advertisements of a rental rate” (emphasis added). Further, “[t]he means for avoiding airport surcharges must be disclosed clearly and conspicuously in all advertisements of a rental rate to which airport surcharges may apply.” (emphasis added). As you can see, the portion of the statute addressing the disclosure of airport surcharges is used directly in connection with the advertisement of rental rates and makes no mention of rental agreements. Therefore, applying the aforementioned principles of statutory construction leads me to the conclusion that the portion of 56-31-30(A) requiring the disclosure of airport surcharges and the means to avoid such charges applies only to advertisements of rental rates and not to rental agreements.¹

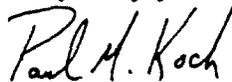
This conclusion is consistent with the purposes of the legislation. Chapter 31 of Title 56 was added by Act No. 177 of 1989. In Section 1 of the Act, the General Assembly stated its purpose in enacting this legislation:

The purpose of this act is to regulate advertising by rental car companies particularly for rental car rates. This act provides for restrictions to be placed on mandatory fees and surcharges including, but not limited to, required fuel surcharges in addition to the rental rate. (emphasis added).

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I remain

Very truly yours,



Paul M. Koch

Assistant Attorney General

¹ This opinion is limited to the specific legal question raised in your opinion request. Nothing herein shall be viewed as an endorsement of a particular rental company's disclosure policies.