

1984 S.C. Op. Atty. Gen. 38 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-9, 1984 WL 186442

Office of the Attorney General

State of South Carolina

Opinion No. 84-9

**January 31, 1984**

\*1 A passenger in a taxi (or other vehicle for hire) may transport sealed liquor upon his person or in his baggage. If the seal on the liquor container is broken, the liquor must be transported in the luggage compartment.

Chief of Police

You have requested an opinion of this office concerning the applicability of § 61–13–230, CODE OF LAWS OF SOUTH CAROLINA, 1976. Specifically, you have inquired whether § 61–13–230 prohibits a passenger in a taxi from transporting alcoholic liquors. Section 61–13–230 provides:

It shall be unlawful for any person to transport any alcoholic liquor, even though properly manufactured and stamped, in a motor vehicle used as a taxi or used in the transportation of passengers for hire; provided, that this shall not apply to legal alcoholic liquors belonging to a passenger being transported when such alcoholic liquors are in the baggage of such passenger or upon his or her person. If such alcoholic liquor be found in such vehicle, the vehicle shall be seized and forfeited, as provided for in §§ 61–13–610 to 61–13–730, and the alcoholic liquor shall be seized as contraband and sold as provided in § 61–13–570. [Emphasis added].

The proviso subject of the emphasis permits a passenger to transport alcoholic liquors, if the liquor belongs to the passenger and is upon his person or maintained in his baggage.

This provision must be read in conjunction with §§ 61–5–20(1), CODE OF LAWS OF SOUTH CAROLINA, 1976 (1983 Cum.Supp.), which provides:

Any person may transport alcoholic liquors to and from any place where alcoholic liquors may be lawfully possessed and consumed; but if the cap or seal on the container has been opened or broken, it shall be unlawful to transport such liquors in any motor vehicle, except in the luggage compartment or cargo area.

These provisions must be read and construed together in an attempt to determine the legislative intent. [Lewis v. Gaddy, 254 S.C. 66, 173 S.E.2d 376 \(1970\)](#).

A reading of the two statutes suggests that the legislature intends that a passenger in a taxi [or other vehicle for hire] may transport sealed liquor to and from any place where alcoholic liquors may be lawfully possessed or consumed. However, consistent with § 61–5–20, which applies to “any person” if the seal on the liquor container has been opened or broken, the liquor must be transported in the luggage compartment or cargo area of the taxi.

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