

1972 WL 25276 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 14, 1972

***1 Re: Banking—Consumer Credit (Maximum Charges Permitted in the Financing of New and Used Motorcycles under Section 46-150.34 of the Code of Laws of South Carolina (1971 Cum. Supp.))**

F. Dean Rainey, Jr., Esq.
Rainey, Fant & McKay
Attorneys at Law
P. O. Box 10268
Greenville, South Carolina 29601

Dear Mr. Rainey:

Your letter of April 4, 1972, requesting an opinion on the maximum charges permitted in the financing of new and used motorcycles under Section 46-150.34 of the Code of Laws of South Carolina (1971 Cum. Supp.) has been received and referred to me for response.

There is a specific provision in the Section for new vehicles containing three wheels or less. However, there is no specific provision for used vehicles containing three wheels or less, although the general definition of motor vehicles is such as to include vehicles containing three wheels or less. Since there is no mention of used vehicles containing three wheels or less in the Section, they must be definition be included in the provisions for used motor vehicles in general.

The result of this is incongruous as suggested by your letter with the maximum rate chargeable for new vehicles containing three wheels or less (including new motorcycles) being specified by Class 3 of the Section and the maximum charge for used vehicles containing three wheels or less (including used motorcycles) being specified by Classes 2-5.

If the legislature intended otherwise, it will be necessary for them to amend this Section to so provide.

Very truly yours,

Edwin B. Brading
Assistant Attorney General

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