



ALAN WILSON  
ATTORNEY GENERAL

December 16, 2024

Christopher Mooney  
Chief of Police  
Town of Harleyville  
Post Office Box 35  
Harleyville, SC 129448

Dear Chief Mooney:

We received your letter requesting an opinion from this Office concerning section 56-2-105 of the South Carolina Code (2018). In your letter, you state:

We understand the statute as golf carts are only allowed on "secondary highways or streets with a speed limit of 35 mph or less." However, we have received challenges from the public interpreting the law as "secondary highways or streets with a speed limit of 35 mph or less." The issue at hand is golf carts being operated on Main Street (US 178). We understand the statute as prohibiting this, due to Main Street being a US Primary Highway.

(emphasis in original). As such, you request "clarification from the Attorney General, rather than having differing interpretations of the Statute."

#### Law/Analysis

Section 56-2-105 of the South Carolina Code pertains to the permitting and operation of golf carts on certain roadways in South Carolina. Subsection (C) of this statute provides when and where golf carts may be operated.

(C) During daylight hours only:

- (1) A permitted golf cart may be operated within four miles of the address on the registration certificate and only on a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less.
- (2) A permitted golf cart may be operated within four miles of a point of ingress and egress to a gated community and only on a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less.

(3) Within four miles of the registration holder's address, and while traveling along a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less, a permitted golf cart may cross a highway or street at an intersection where the highway has a posted speed limit of more than thirty-five miles an hour.

(4) A permitted golf cart may be operated along a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less on an island not accessible by a bridge designed for use by automobiles.

S.C. Code Ann. § 56-2-105 (emphasis added). Thus, this provision limits where a permitted golf cart can be operated to four permissible areas. Within those areas, the roadway on which the golf cart can be operated is further limited to secondary highways or streets with posted speed limits of thirty-five miles an hour or less. As such, whether a golf cart may be operated on Main Street in the Town of Harleyville depends on whether Main Street is a "secondary highway" or street with a speed limit of thirty-five miles an hour or less.

Based upon your letter, it sounds like members of the public take the position that Main Street is a "street for which the posted speed limit is thirty-five miles an hour or less," allowing for the operation of permitted golf carts pursuant to section 56-2-105. "Main Street" in many towns is simply a local roadway established and maintained by the local governing body, whether it be a municipality or perhaps a county. In such case, assuming the speed limit is thirty-five miles an hour or less, operation of a golf cart likely would be permissible assuming the other criteria under section 56-2-105 are met. However, you explain that the road referred to as Main Street in Harleyville is also part of U.S. Highway 178. It is our understand that U.S. Highway 178 is a primary highway under the state highway system and is maintained by the South Carolina Department of Transportation.

Chapter 5 of title 57 of the South Carolina Code sets forth the structure of the State Highway System and specifies three classifications of roads and highways included in the state highway system: interstate system of highways; state highway primary system; and state highway secondary system. S.C. Code Ann. § 57-5-10 (2018). The Legislature further explains these classifications in sections 57-5-20, 57-5-30, and 57-5-40 as follows:

The interstate system of highways shall consist of the segments of highways in South Carolina in the officially designated national system of interstate and defense highways.

S.C. Code Ann. § 57-5-20 (2018).

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The state highway primary system shall consist of a connected system of principal state highways, not to exceed ten thousand miles, connecting centers of population, as determined by the Commission of the Department of Transportation.

S.C. Code Ann. § 57-5-30 (2018).

The state highway secondary system shall consist of all roads, streets and highways in the state highway system not otherwise designated as highways in the interstate system or the state highway primary system.

S.C. Code Ann. § 57-5-40 (2018).

Accordingly, we believe section 56-2-105's reference to "secondary highways" indicates golf carts, under the specified circumstances, may be operated on the "state highway secondary system." However, "[t]he canon of construction '*expressio unius est exclusio alterius*' or '*inclusio unius est exclusio alterius*' holds that 'to express or include one thing implies the exclusion of another, or of the alternative.'" Hodges v. Rainey, 341 S.C. 79, 86, 533 S.E.2d 578, 582 (2000) (quoting Black's Law Dictionary 602 (7th ed. 1999)). By specifically including secondary highways as a permissible roadway upon which golf carts may travel in section 56-2-105, we believe the Legislature intended to prohibit golf carts from traveling on interstate and primary highways. As we previously noted, U.S. Highway 178 is designated as a primary highway under the state highway system. Therefore, we do not believe that golf carts may travel on U.S. Highway 178, including the portion of U.S. Highway 178 referred to as "Main Street" in the Town of Harleyville.

### Conclusion

Section 56-2-105 of the South Carolina Code specifies where and when permitted golf carts can operate on roadways in South Carolina. While the statute allows for their operation, under certain specified circumstances, on local streets and secondary highways within the state highway system, we believe the Legislature intended to exclude their operation on primary highways within the state highway system. Because Main Street in the Town of Harleyville occupies a portion of U.S. Highway 178, which we understand to be a primary highway under the state highway system, we do not believe it is permissible to operate a golf cart on this roadway pursuant to section 56-2-105.

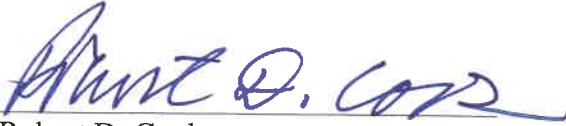
Sincerely,



Cydney Milling  
Assistant Attorney General

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REVIEWED AND APPROVED BY:

A handwritten signature in blue ink, appearing to read "Robert D. Cook", written over a horizontal line.

Robert D. Cook  
Solicitor General