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The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER  
ATTORNEY GENERAL

April 22, 2004

Donald L. Wilcox, Chief of Police  
City of Hanahan Police Department  
1265 Yeamans Hall Road  
Hanahan, South Carolina 29406

Dear Chief Wilcox:

In a letter to this office you requested an interpretation of S.C. Code Ann. Section 56-3-115 (Supp. 2003) pertaining to golf carts and their operation on public highways. Such provision states as follows:

The owner of a vehicle commonly known as a golf cart, if he has a valid driver's license, may obtain a permit from the department upon the payment of a fee of five dollars and proof of financial responsibility which permits his agent, employees, or him to:

- (1) operate the golf cart on a secondary highway or street within two miles of his residence or place of business during daylight hours only; and
- (2) cross a primary highway or street while traveling along a secondary highway or street within two miles of his residence or place of business during daylight hours.

You have questioned whether pursuant to such provision, an unlicensed individual could operate a golf cart on a street or highway as permitted by the provision. You stated that it has been asserted that only the owner is required to have a driver's license.

Prior opinions of this office have concluded that golf carts fall within the definition of a "motor vehicle". See: Ops. Atty. Gen. dated October 6, 1998 and June 12, 1987. As defined by S.C. Code Ann. Section 56-1-10 (Supp. 2003), a "motor vehicle" includes "...every vehicle which is self-propelled, except 'moped' as defined in Article 9 of this chapter,...." The October 6, 1998 opinion referenced that other jurisdictions have concluded that a golf cart comes within the definition of a "motor vehicle".

S.C. Code Ann. Section 56-1-20 (1991) provides that "(n)o person, except those expressly exempted in this article, shall drive any motor vehicle upon a highway in this State unless such

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person has a valid motor vehicle driver's license issued to him under the provisions of this article." S.C. Code Ann. Section 56-1-30 (1991) specifically exempts certain persons from licensing requirements. Consistent with such, inasmuch as a golf cart comes within the definition of a motor vehicle, in order to drive the golf cart upon the highways or streets as permitted by Section 56-3-115, an individual must be licensed unless exempted by Section 56-1-30. Therefore, in addition to the requirement that the owner be licensed, any agent or employee of the owner must be licensed as well in order to drive the golf cart on the streets or highways as authorized by Section 56-3-115.

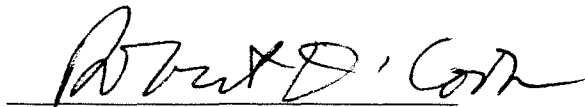
With kind regards, I am,

Very truly yours,



Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Assistant Deputy Attorney General