

7729 Liberty



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER  
ATTORNEY GENERAL

March 10, 2004

The Honorable John M. Knotts, Jr.  
Senator, District No. 23  
Post Office Box 142  
Columbia, South Carolina 29202

Dear Senator Knotts:

In a letter to this office you indicated that it is your information that an individual will be ticketed for parking in a handicapped space at the University of South Carolina even if that individual has a handicap tag posted within the vehicle. You asked for clarification of the handicapped parking law in this State.

S.C. Code Ann. Section 56-3-1960 (Supp. 2003) provides that

(1) Any person who is handicapped as defined in this article must be allowed to park in metered or timed parking spaces without being subject to parking fees or fines. This section has no application to those areas or during those times in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. As a condition to this privilege, a vehicle must display a distinguishing license plate which must be issued by the department, pursuant to this section, Section 56-3-1910, or Section 56-3-1110, for vehicles registered to the disabled person.

(2) Any agency, organization or facility that transports a disabled or handicapped person or any person who is handicapped as defined in this article may apply to the department for issuance of a temporary or permanent distinguishing placard to be designed by the department...The placard must be used on vehicles transporting the disabled person in lieu of the distinguishing license plate issued pursuant to subsection (1) of this section. When the placard is displayed on the driver's side dashboard of a vehicle, all parking rights and privileges extended to vehicles displaying a distinguishing license plate issued pursuant to subsection (1) of this section are applicable to the vehicle.

S.C. Code Ann. Section 56-3-1970 (Supp. 2003) provides that

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(i) it is unlawful to park any vehicle in a parking place clearly designated for handicapped persons unless the vehicle bears the distinguishing license plate or placard provided in Section 56-3-1960.

(i) it is unlawful for any person who is not handicapped or who is not transporting a handicapped person to exercise the parking privileges granted handicapped persons pursuant to Section 56-3-1960.

Consistent with such provisions, an individual whose vehicle displays a distinguishing license plate or placard as specified in Section 56-3-1960 is authorized to lawfully park in any parking place clearly designated for handicapped persons. However, such authorization does not apply to a person who is not handicapped or who is not transporting a handicapped person. Therefore, as to your situation, an individual can lawfully park in a handicapped space at the University of South Carolina if that individual has the referenced handicapped license plate or placard posted within the vehicle as long as that person is handicapped or transporting a handicapped person.

With kind regards, I am,

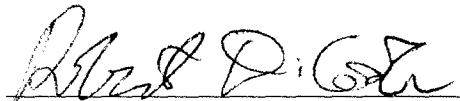
Very truly yours,



Charles H. Richardson

Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook

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