

8681 *Lidbury*



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

December 22, 2005

The Honorable Glenn G. Reese
Senator, District No. 11
507 Fagan Drive
Lake Bowen
Inman, South Carolina 29349-7000

Dear Senator Reese:

In a letter to this office you questioned whether the state can regulate alcohol sales, such as time or day of sale, on a train whether it is moving or stopped.

Based upon my review, two statutes govern the sale and consumption of alcoholic beverages on railroads. S.C. Code Ann. § 61-6-4720 states that

A person who drinks alcoholic liquors in a public conveyance in this State is considered guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or be imprisoned not more than thirty days. This section does not apply to a railroad dining car or club car or to an aircraft of a commercial airline transporting passengers for hire. (emphasis added).

Also, pursuant to S.C. Code Ann. § 61-6-1550

The restrictive provisions of this article relating to retail dealers do not apply to sales of alcoholic liquors by railroad, Pullman, or airline companies to passengers on interstate trains or aircraft for consumption thereon, and to this end, these sales are permitted.

Therefore, the sale of alcoholic beverages on trains is permitted in this State consistent with these referenced provisions.

The Honorable Glenn G. Reese
Page 2
December 22, 2005

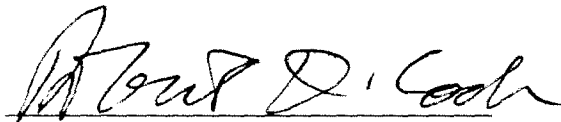
With kind regards, I am,

Sincerely,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General