

8161 Library



HENRY McMASTER
ATTORNEY GENERAL

June 7, 2006

David B. King, Chief of Police
Town of Honea Path
30 North Main Street
Honea Path, South Carolina 29654

Dear Chief King:

In a letter to this office you raised questions regarding the interpretation of S.C. Code Ann. § 56-3-115 which states

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 of Motor Vehicles 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 only.

You have asked if an owner of golf cart has a valid driver's license, proof of financial responsibility and a permit from the Department of Motor Vehicles, can he designate or permit his agent, employees or any other person, such as a child, to operate the golf cart if that designee does not have a valid driver's license. You also specifically questioned whether a child can operate a golf cart as permitted by Section 56-3-115.

A prior opinion of this office dated April 22, 2004 referenced the definition of a "motor vehicle" as set forth in S.C. Code Ann. § 56-1-10 which states that a "motor vehicle" includes "...every vehicle which is self-propelled, except 'moped' as defined in Article 9 of this chapter." A prior opinion of this office dated October 6, 1998 concluded that a golf cart came within the

*Respectfully,
Henry McMaster*

definition of a "motor vehicle" for purposes of such provision. The 2004 opinion referenced S.C. Code Ann. § 56-1-20 which states that

...no person, except those expressly exempted in this article, shall drive any motor vehicle upon a highway in this State unless such person has a valid motor vehicle driver's license issued to him under the provisions of this article.

S.C. Code Ann. § 56-1-30 specifically exempts certain individuals from licensing requirements. The 2004 opinion concluded that

...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.

Another opinion of this office dated April 4, 1995 had concluded that an operator could not authorize an individual who is not a licensed driver to operate a golf cart on a street or highway as statutorily permitted.

Consistent with such, in my opinion the owner of a golf cart even if has a valid driver's license, proof of financial responsibility and a permit from the Department of Motor Vehicles may not designate or permit his agent, employees or any other person, such as a child, to operate the golf cart if that designee does not have a valid driver's license. S.C. Code Ann. § 56-1-40 states that the Department of Motor Vehicles may not issue a driver's license to an individual

...who is under seventeen years of age, except that the department may issue a license to a sixteen-year-old who is licensed to drive pursuant to Section 56-1-175 after one year from the date of the issuance of the conditional license, if the driver has not been convicted of a traffic offense or has not been involved in an accident in which he was at fault during that period. However, the department may issue a beginner's permit as provided in Section 56-1-50 to a person who is at least fifteen years of age and meets the requirements of that section. The department also may issue a special restricted driver's license to a person who is at least sixteen years of age and less than seventeen years of age as provided in Section 56-1-180 and meets the requirements of that section....

Unless a child is permitted by Section 56-1-40 to obtain a driver's license, he or she would not be permitted to operate a golf cart as authorized by Section 56-3-115.

Chief King
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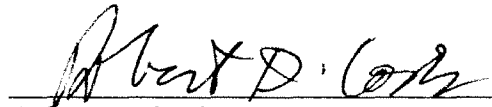
With kind regards, I am

Very truly yours,

A handwritten signature in cursive script, appearing to read "Charles H. Richardson", followed by a horizontal line.

Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

A handwritten signature in cursive script, appearing to read "Robert D. Cook", followed by a horizontal line.

Robert D. Cook
Assistant Deputy Attorney General