Reg. 4887

The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

April 4, 1995

Kenneth Kirven, Chief of Police
North Police Department
P. O. Box 399
North, South Carolina 29112

RE: Informal Opinion

Dear Chief Kirven:

You have asked whether a person who possesses a permit to operate a golf cart issued pursuant to S.C. Code Ann., Section 56-3-115, may authorize another person to operate that golf cart on the public highways of this State. As I read the provision, I do not believe such authorization may be given.

Section 56-3-115 provides:

> 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 him to operate the golf cart on a secondary highway or street within two miles of his residence during daylight hours only. [emphasis added].

In interpreting any statute, the primary purpose is to ascertain the intent of the Legislature. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Where a statute is

clear and unambiguous, its terms must be given their literal meaning. Crown Cork and Seal Co.,Inc. v. S. C. Tax Comm., 302 S.C. 140, 394 S.E.2d 315 (1990). It is the duty of the court to give an unambiguous statute effect according to the clear meaning of the statute. Helfrich v. Brasington Sand and Gravel Co., 268 S.C. 236, 233 S.E.2d 291 (1977). A statute which is remedial in purpose must be broadly construed to fully effectuate its purpose. South Carolina Dept. of Mental Health v. Hanna, 270 S.C. 210, 241 S.E.2d 563 (1978).

Applying these rules of construction, it is my opinion that Section 56-3-115 does not allow a permittee to authorize another person, particularly one who is not licensed to drive, to operate the golf cart on the highway. As a general rule, a license or permit is generally considered personal to the licensee. 51 Am.Jur. 2d, Licenses and Permits, § 3. It has been stated elsewhere that

> [a] licensee generally is regarded as a privilege of personal trust and confidence which cannot be assigned or transferred without the consent of the licensing authorities ....

53 C.J.S., Licenses, § 49.

Moreover, the language of Section 56-3-115 is clearly written in terms of the permit being personal to the individual. In order to qualify for a permit, a person must be a validly licensed driver. He or she must also pay the permit fee and present proof of financial responsibility. The statute is written, furthermore, in terms of permitting "him" to operate the car on a secondary highway or street within two miles of "his" residence and only during daylight hours. Clearly, the Legislature used words carefully chosen to indicate that the permit was personal to the operator. It is apparent that an operator could not authorize a person who is not a licensed driver to operate the golf cart on a secondary street or highway because a licensee could not authorize what the law forbids. Moreover, my reading of the statute is that the permit is personal to the operator and such operator could not authorize another to operate the cart on the streets or highways.

This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kind regards, I remain

Very truly yours,

Robert D. Cook
Assistant Attorney General

RDC/ph