

The State of South Carolina



Office of the Attorney General

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December 29, 1992

The Honorable Glenn G. Reese
Senator, District No. 11
117 Sun Valley Drive
Inman, South Carolina 29349

Dear Senator Reese:

Attorney General Medlock referred me your recent letter dealing with S.C. Code Ann. § 16-17-680. Such provision states in part:

It shall be unlawful to purchase copper wire or copper pipe from any person that is not a holder of a retail license or an authorized wholesaler or unless the purchaser obtains and can verify the name and address of the seller. Every purchaser of copper wire or copper pipe shall maintain a record containing the date of purchase, name and address of seller, weight or length, and size or other description of copper wire or copper pipe purchased and amount paid therefor.

You questioned what is considered valid identification for purposes of such provision. You also asked whether a State driver's license, an expired driver's license or an I.D. card issued by the Highway Department are considered valid identification for purposes of such provision. As referenced, Section 16-17-680 provides that it is unlawful to purchase copper wire or pipe from an individual who does not hold a retail license or who is not an authorized wholesaler unless the purchaser "obtains and can verify" the name and address of the seller. Each purchaser must also maintain a record of the

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purchase which includes the name and address of the seller. The statute, of course, does not specify what type identification is necessary.

In the absence of legislative clarification of the statute, this Office can only suggest what may be considered by a purchaser as valid identification. Each situation where identification must be obtained by a purchaser would have to be considered on a case by case basis as to whether the proffered identification is adequate. This Office cannot state categorically what manner of establishing identification would be satisfactory in all instances to avoid a violation of Section 16-17-680. Moreover, this letter should not be construed as commenting on any particular set of facts.

As to the various forms of identification suggested in your letter, it would appear that a State driver's license and an identification card issued by the Highway Department could be considered by a purchaser for purposes of Section 16-17-680. However, as stated by such provision, the purchaser must not only "obtain" the name and address of the seller but he must also "verify" such. Therefore, steps additional to review of a driver's license or identification card may be necessary depending upon the circumstances. I would question whether an expired State driver's license may be considered adequate on its own. Of course, such could be considered along with other identifying information.

You also questioned "what does SLED consider as valid I.D." and "what does SLED prefer ... as valid I.D." Such questions should be directed to SLED offices directly. Such would afford that agency the opportunity to comment on various situations where facts may differ.

With kindest regards, I am

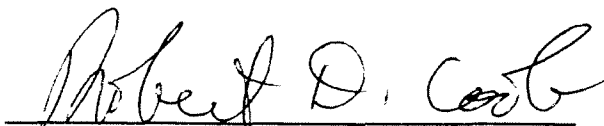
Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



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