

# The State of South Carolina



## Office of the Attorney General

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March 16, 1992

Robert M. Stewart, Chief  
South Carolina Law Enforcement Division  
Post Office Box 21398  
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Dear Chief Stewart:

In a letter to this Office you referenced Section 16-23-20 of the Code which states pursuant to subsection (5)

It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol, except as follows:

....

(5) Any person regularly engaged in the business of manufacturing, repairing, repossession or dealing in firearms, or the agent or representative of such person while possessing, using or carrying a pistol in the usual or ordinary course of such business.

You questioned whether such provision would allow a licensed retail pistol dealer to carry a pistol in the course of his business or whether a permit authorizing the carrying of a pistol would be required.

As referenced subsection (5) provides an exception to the prohibition of carrying a pistol, whether concealed or not, to a person "regularly engaged in the business of manufacturing, repairing, repossession or dealing in firearms ... while possessing, using or carrying a pistol in the

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usual or ordinary course of such business." As stated in 30 Words and Phrases the term "ordinary course of business" was construed by the court in Matter of Van Huffel Tube Corp., 74 B.R. 579, 588 to relate to the manner two entities "have traditionally conducted business" and whether such activity "was made according to common practice in industry." Similarly, in the case of In re White, 58 B.R. 266, 269 the court indicated that such term should be construed in the context of "that which is ordinary as between respective parties."

Based upon my review, an individual regularly engaged in the business of dealing in firearms would be authorized to carry a pistol in the ordinary course of his business. The term "ordinary course of his business" should be construed as including that which is traditional or ordinary activity for an individual in that type business. An additional permit authorizing such carrying would not be necessary.

With kind regards, I am

Very truly yours,



Charles H. Richardson  
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



Robert D. Cook  
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