

4933 Library

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803-734-3970
FACSIMILE: 803-253-6283

September 3, 1992

The Honorable I. A. Smoak, III
Municipal Judge
Walterboro City Hall
Post Office Box 709
Walterboro, South Carolina 29488

Dear Judge Smoak:

In a letter to this Office you questioned whether a beginner's permit may be suspended pursuant to S.C. Code § 56-1-80 for failing to verify liability insurance coverage. Such provision states that

Every application for a driver's license or permit must:

- (1) be made on ...
- (2) be accompanied by ...
- (3) contain ...
- (4) state whether ...
- (5) state whether ...

... Every person who obtains a driver's license for the first time in South Carolina and every person who renews his driver's license in South Carolina must be furnished a written request form for completion and verification of liability insurance coverage ... Failure to return the form or affidavit results in the suspension of the newly issued or renewed driver's license until a properly executed form or affidavit is returned to the department.

As you indicated, the State Department of Highways and Public Transportation has construed Section 56-1-80 so as to require an individual who has been issued a beginner's permit to provide verification of liability insurance coverage as specified. You questioned such interpretation inasmuch as while the terms "driver's license" or "permit" are used

The Honorable I. A. Smoak, III
Page 2
September 3, 1992

in the first portion of the provision dealing with the requirements for an application, the latter portions in providing for verification of liability insurance coverage and suspension only utilize the term "driver's license".

Generally, the administrative interpretation of Section 56-1-80 by the Highway Department is entitled to weight and should not be disregarded without compelling or cogent reason. Etiwan Fertilizer Co. v. S.C. Tax Commission, 217 S.C. 354, 60 S.E.2d 682 (1950); Emerson Electric Co. v. Wasson, 287 S.C. 394, 339 S.E.2d 118 (1986). Moreover, the term "suspension of ... driver's license" as used in Section 56-1-80 is defined by S.C. Code § 56-1-10 as

The temporary withdrawal by formal action of the Department of a person's driver's license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be as specifically designated. (emphasis added)

A permit, as provided in S.C. Code § 56-1-40 through 56-1-70 would appear to come within the term "privilege to operate a motor vehicle." Therefore, it appears that a beginner's permit may be suspended pursuant to Section 56-1-80 for failing to verify liability insurance coverage.

With kind regards, I am

Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions