

The State of South Carolina



Office of the Attorney General

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November 29, 1989

The Honorable Jay D. Gray
Police Chief, Town of Turbeville
Post Office Box 286
Turbeville, South Carolina 29162

Dear Chief Gray:

In a letter to this Office you questioned the use of dealer license plates on motor vehicles. You specifically referenced Section 56-3-2320 of the Code, which appears in the supplement volume of the State Code, and questioned whether such provision sets forth the basis for the use of such plates. You indicated that in your opinion there is widespread abuse of dealer plates by individuals not otherwise entitled to use these plates on their vehicles.

Section 56-3-2320 states

The Department may issue to a duly licensed motor vehicle dealer or wholesaler, upon application being made and the required fee being paid to the Department, dealer or wholesaler license plates. The license plates, notwithstanding any provision of this chapter to the contrary, may be used exclusively on motor vehicles owned by the dealer or wholesaler. Dealer or wholesaler plates may not be used to operate wreckers in use by the dealer or wholesaler, nor to operate vehicles owned by the dealer and wholesaler that are leased or rented by the public.

Pursuant to Section 56-15-350(h) of the Code, a license issued a dealer pursuant to Section 56-15-310 of the Code may be denied, suspended or revoked if the licensee is determined to have:

(g)iven, loaned or sold a dealer license plate to any person or otherwise to have allowed the use

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of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer or wholesaler pursuant to Section 56-3-2320 which is determined by the ... (Highway)... Department to be improperly displayed on any vehicle or in the possession of any unauthorized person is prima facie evidence of a violation of this section by the dealer or wholesaler to whom the license plate was originally issued.

Section 12-37-2720 of the Code states that the provisions regarding property taxes on motor vehicles are not applicable "...to motor vehicles which are a part of the inventory held for sale by licensed motor vehicle dealers and are operated on the highways under a dealer tag."

As referenced, Section 56-3-2320 sets forth the basis for the use of dealer license plates in providing that dealer license plates "...may be used exclusively on motor vehicles owned by the dealer or wholesaler." The statute specifically forbids the use of such plates on wreckers or vehicles owned by a dealer which are rented by the public. The provision does not comment further on specific uses which are forbidden. In construing the permitted uses of vehicles with dealer tags, reference may be made to Section 12-37-2730 which makes motor vehicle property taxes inapplicable to vehicles "held for sale" which are operated on the highways under a dealer license tag. Reading such provisions together is consistent with the principle of statutory construction that statutes in pari materia must be construed together. See: Lewis v. Gaddy, 254 S.C. 66, 173 S.E.2d 376 (1970). Therefore, reference may be made to the provisions of the aforementioned statutes in determining the propriety of the use of dealer license plates in specific instances. Of course, situations involving the use of dealer plates would have to be examined on a case by case basis.

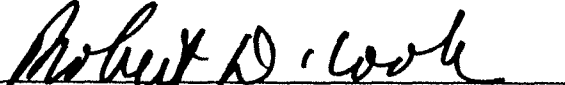
If there is anything further, please advise.

Sincerely,


Charles H. Richardson
Assistant Attorney General

CHR/nnw

REVIEWED AND APPROVED BY:


Robert D. Cook
Executive Assistant for Opinions