

1983 WL 181705 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 7, 1983

*1 Sergeant Richard C. Allen
Selective Traffic Enforcement Unit
Charleston County Police Department
4350 Headquarters Road
Charleston Heights, South Carolina 29405

Dear Sergeant Allen:

You have asked two questions of this office: 1) whether it is unlawful to use a musical type horn while operating a motor vehicle on the highways in South Carolina, and 2) whether it is a violation of South Carolina law for a passenger car to be operated on the highways without a front or rear bumper.

In answer to your first question, I can find no statute or regulation which would prohibit by definition 'musical type horns' on automobiles. S. C. Code of Laws, § 56-5-4950 (1976, as amended) requires that 'every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet . . .'. The only restrictions imposed by this statute are that, except for authorized emergency vehicles, no vehicle is allowed to have a 'siren, whistle or bell,' and no horn shall emit an ' . . . unreasonably loud or harsh sound . . .'. Therefore, a horn which plays a musical tune when activated would seem to be permissible under the statute as long as the sound emitted is not unreasonably loud or harsh, and is not in the form of a siren, whistle or bell.

An additional statute which may impact your first question is S. C. Code of Laws, § 56-5-4960 (1976, as amended). This statute requires a motorist to use the horn 'when reasonably necessary to insure safe operation . . .' of a motor vehicle. However, this statute further directs that, absent this necessity, the horn shall not otherwise be used when the vehicle is upon the highway.

With regard to your second question, I can find no statute or regulation which requires that a passenger car must have a front and/or a rear bumper before it can be operated on the highways. S. C. Code of Laws, §§ 56-5-4910-4940 (1976, as amended), do contain requirements that manufacturers provide certain warranties relating to their 'energy absorption' systems. However, there appears to be no prohibition on car owners removing or altering stock bumpers as they choose. (See also: [Regulation 63-406](#), SCSHD, for requirements of vehicle inspection). Whether the removal or alteration of a bumper could affect the degree of liability incurred by an individual as a result of an accident, etc., would depend on the particular facts involved.

With kindest regards,
Sincerely,

Bristow Marchant
Staff Attorney

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