

1981 WL 158020 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 21, 1981

***1 Re: Re-examination for cause upon renewal of driver's license**

Mr. Emory P. Austin, Jr.
Director
Motor Vehicle Division
South Carolina Department of Highways and Public Transportation
P. O. Box 191
Columbia, South Carolina 29202

Dear Emory:

You have requested advice as to whether driver's license examiners who observe physical or mental traits of prospective renewal applicants which may be detrimental to the safe operation of a motor vehicle, such traits having occurred since the last renewal period or initial granting of a driver's license, should renew the license at that time and then submit a request for a complete physical and mental evaluation, or whether the renewal should be withheld until the re-evaluation has been completed. The regulation of motor vehicle drivers is for the benefit of the public's safety and welfare. [State vs. Reeves, 112 S.C. 383, 99 S.E. 841 \(1919\)](#). [Code of Laws of South Carolina § 56-1-210](#) provides that the Department when considering the renewal of a license may 'for cause shown' require the submissions by the applicant of evidence satisfactory to the Department of the applicant's mental and physical fitness to drive and his knowledge of traffic laws and regulations. [Code of Laws of South Carolina § 56-1-170](#), as amended, further provides that the Department has the authority, whenever good cause appears, to impose certain restrictions suitable to the licensee's driving ability with respect to type of or special mechanical control devices required in a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the Department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee. Assuming that the 'good cause' criteria is satisfied, it is the opinion of this office that the Department should make the determination of mental and physical fitness to drive and the type of restrictions required prior to renewal of the driver's license. This procedure fully complies with the intent of the General Assembly, the protection of the public.

I trust this answers your inquiry.

Sincerely yours,

Richard D. Bybee
Assistant Attorney General

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