

1977 WL 37016 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

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***1 Research and Statistics Supervisor**

The license required by Section 12-11-20, et seq., of the 1976 Code (billiard rooms) is a regulatory and not a revenue measure within the intent and meaning of House Bill 2326.

Mr. A. T. Clarkson, Jr.

QUESTION

Is the license required for the operation of a billiard room by Section 52-11-20, et seq., of the 1976 Code for revenue purposes as that term is used in Items 2 and 3 of Section 1 of Article 2 of House Bill 2326?

STATUTES INVOLVED

Section 52-11-10, et seq., of the 1976 Code (Act 537, Acts of 1924) and House Bill 2326 (1977 Session).

DISCUSSION

The General Assembly has by declaration provided that the license was for the purpose of regulation and controlling billiard rooms. The provisions of the 1976 Code were enacted in 1924 by Act 537 and the heading of that Act stated: 'An Act To Regulate And Control Billiard And Pocket Billiard Rooms In The State Of South Carolina.'

The fact that Twenty-five (\$25.00) Dollars is charged for the license does not change the same to a revenue measure. See [State v. Stanley](#), 131 S. C. 511, 127 S. E. 574 and [State ex rel. Coleman v. Lewis](#), 181 S. C. 10, 186 S. E. 625. The latter case involved the motor vehicle license fee that was held to have been enacted as a regulatory measure, notwithstanding the fee charged for the license.

CONCLUSION

It is the opinion of this office that the license required by Section 12-11-20, et seq., of the 1976 Code is a regulatory and not a revenue measure within the intent and meaning of House Bill 2326.

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