

1976 S.C. Op. Atty. Gen. 83 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4267, 1976 WL 22887

Office of the Attorney General

State of South Carolina

Opinion No. 4267

February 19, 1976

***1** Dealer's licenses issued under authority of the South Carolina Pistol Act are not transferrable.

TO: Chief

State Law Enforcement Division

QUESTION PRESENTED:

Is a dealer's license issued under the South Carolina Pistol Act transferrable by the licensee to another person or business entity?

STATUTES INVOLVED:

Section 16–129 of the 1962 Code of Laws of South Carolina, as amended (hereafter the South Carolina Pistol Act)

Section 16–129(b); Section 16–129.4

DISCUSSION:

The South Carolina Pistol Act provides in pertinent part that the State Law Enforcement Division ‘shall grant a [dealer's] license to any person doing business in the State not ineligible to purchase, require or possess a pistol or be licensed as a dealer under the provisions of this act.’ Section 16–129.4. Section 16–129(b) defines ‘dealer’ as ‘any person regularly engaged in the business of selling firearms at retail.’ (Emphasis added.)

A ‘person’ is generally understood as denoting a natural person (human being) and accordingly will ordinarily be taken in that sense unless from statutory context or elsewhere, it appears that artificial persons (such as business entities) are intended to be embraced. 32 Words and Phrases, Person, p. 287.

Reviewed as a whole and in light of those particular portions mentioned above, there is no question that the South Carolina Pistol Act refers only to natural persons. Clearly, the rights bestowed under a dealer's license inure only to the particular person to whom it was issued. Therefore, a dealer's license to sell pistols in this State would not be transferrable either to another person or business entity, the manifest intent of the law being to ascertain the individual good character and qualifications of persons engaged in such sales.

CONCLUSION:

Therefore, it is the opinion of this Office that dealer's licenses issued under the South Carolina Pistol Act inure solely to the particular licensee and, accordingly, are not transferrable.

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