

1979 WL 43570 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 7, 1979

***1 SUBJECT: State-owned Motor Vehicles-Methods of Identification.**

All state-owned motor vehicles shall be identified by the use of permanent state government license plates, or state decals, or agency decals.

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Budget and Control Board
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QUESTIONS PRESENTED:

Are the methods of identifying state-owned vehicles as set forth in paragraph (k) of Section 24 of Act 644 of the 1978 Acts and Joint Resolutions disjunctive so that either of the three (3) methods provided may be used to identify state-owned vehicles.

STATUTES AND CASES:

Title 56, Chapter 3 of the Code of Laws of South Carolina (1976), as amended.

[§ 56-3-1710 of the Code of Laws of South Carolina \(1976\)](#), as amended.

AUTHORITY CITED:

Sutherland on Statutory Construction, 4th Ed. Vol. 1a, § 21.14 and 21.15

DISCUSSION:

The question has been presented regarding the interpretation of paragraph (k) of Section 24 of Act 644, of the 1978 Acts and Joint Resolutions which reads as follows:

The Board shall ensure that all state-owned motor vehicles are identified as such through the use of permanent state government license plates, state seal decals, or agency decals.

Applying the basic principles of statutory construction whereby the statute is construed so as to give meaning to the legislative intent, it can readily be ascertained from the wording of the statute itself that the legislative intent of this particular statute was to provide a means of identifying state-owned vehicles.

The manner by which state-owned vehicles are to be identified is to be as such ‘. . . through the use of permanent government license plates, state-seal decals, or agency decals.’ The ‘or’ as used by the Legislature gives rise to the inference that there is a disjunctive relationship between the methods of identification as oppose to a conjunctive relationship. See, Sutherland on Statutory Construction, 4th Ed. Vol. 1a, § 21.14. If the statute is construed in such a manner, the three means of identification are disjunctive, and a state-owned vehicle may be identified by any one or more of the three methods of identification.

The correspondence with the Director of the Division of Motor Vehicle Management indicates that the Division presently interprets the provision as requiring the use of a permanent state government license plate in conjunction with a state-seal decal, or an agency decal. The stated reason for this interpretation is that to construe the statute otherwise may negate the state-wide statutory requirement to display a license plate. Title 56, Chapter 3, of the Code of Laws of South Carolina (1976), as amended sets forth provisions for motor vehicle registration and licensing. Specifically, [§ 56-3-1710](#) provides that all motor vehicles owned by the State of South Carolina or any of its public subdivisions shall have a special license plate or supplemental plate or attachment and that it shall be unlawful for any such publicly-owned vehicle to operate within the state that does not carry such official emblem or marker. Reading this provision readily shows that it does not require a permanent state government license plate. Presumably, a regular state license plate accompanied by a supplemental plate or an attachment would meet the requirements of this statute. In addition, there are also certain law enforcement and other vehicles specifically exempted by this statute.

*2 The licensing and registration provisions of Title 56, Chapter 3, and specifically [§ 56-3-1710](#) set forth an independent requirement regarding the licensing of state automobiles. These statutory provisions are in addition to the identifying provisions set forth in paragraph (k) of Section 24 of Act No. 644 of the 1978 Acts and Joint Resolutions. Choosing a state decal or an agency decal as a means of identifying a government vehicle would therefore, not negate the requirement that a government vehicle comply with the provisions of [§ 56-3-1710 of the Code of Laws of South Carolina \(1976\)](#), as amended.

It is the opinion of this Office that either of the three methods of identification serves the purpose of the statute; that being to identify state-owned motor vehicles. In addition, either of these three methods could be used separately without conflicting with the registration or licensing provisions of Title 56 of the Code of Laws of South Carolina (197), as amended.

The weight of authority leads toward the conclusion that there is a disjunctive relationship in that the word ‘or’ is used in the statutory language. The conjunctive ‘and’ is not used in the statute. In addition, when the Legislature intends that two or more items or parts of a series should be treated as a group, such intent is usually shown by the use of the conjunctive, rather than separating the parts of the series by a comma. See, Sutherland on the Statutory Construction, Vol. 1a, § 21.15.

CONCLUSION:

Pursuant to paragraph (k) of Section 24 of Act 644 of the 1978 Acts and Joint Resolutions, state-owned vehicles may be identified by any one or more of three (3) methods:

- (1) The use of permanent state government license plates.
- (2) The use of State-seal decals.
- (3) The use of agency decals.

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