

1978 S.C. Op. Atty. Gen. 82 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-57, 1978 WL 22539

Office of the Attorney General

State of South Carolina

Opinion No. 78-57

March 23, 1978

*1 Colonel W. J. Seaborn

Director

Law Enforcement Division

South Carolina Department of Highways and Public Transportation

Box 191

Columbia, SC 29202

Dear Colonel Seaborn:

Your letter to the Attorney General asking whether a motorcycle that has been inspected and approved for daylight use only is permitted to be operated without burning its headlights has been referred to me for reply. Thank you for your patience in awaiting our response.

The act to which you refer, which is codified as [Section 56-5-4460 of the 1976 Code of Laws of South Carolina](#), and which requires motorcycle operators to have the headlights of the motorcycle turned on while operating on the public streets and highways, makes an exception 'for those vehicles exempted by Section 56-5-4470.'

Section 56-5-4470 does not require lighting equipment for vehicles 'which are not kept for use or used at any time when lighted lamps are required by Section 56-5-4450.'

Section 56-5-4450 requires the operators of motor vehicles to turn on the lights when the vehicle is operated on a highway 'from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead.'

It is also noted that not all motorcycles are required to have operable headlights and taillights, for under the rules and regulations of the Department [Rule 63-408(c)(2)], motorcycles not meeting the headlight and taillight requirements may be approved for daylight driving only.

Therefore, it is the opinion of this Office that the operators of those motorcycles which are approved for daylight use only are exempted from the operation of [Section 56-5-4460](#).

Very truly yours,

Richard P. Wilson

Assistant Attorney General

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