

1978 WL 35283 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 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:

You have asked whether a motor vehicle dealer is required to make sure that a vehicle is covered by liability insurance before a buyer is permitted to drive the vehicle from the dealer's premises. It is our opinion that he is not.

Section 56-11-770 provides in pertinent part:

(a) Any person knowingly operating an uninsured motor vehicle subject to registration in this State shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or be imprisoned for not more than thirty days.

As you will note, this statute does not create any exceptions whatsoever to its prohibition against persons knowingly operating uninsured vehicles in this State. This statute, however, is addressed to persons who operate such vehicles and makes no reference whatsoever to dealers as such. Our research has disclosed no other provision of law which requires a dealer to make sure that a buyer has met his responsibility under the aforementioned law before permitting removal of the vehicle from the dealer's premises. But see, [St. Paul Fire and Marine Insurance Co. v. Boykin](#), 251 S.C. 236, 241, 161 S.E.2d 818 (1968).

Therefore, it is the opinion of this Office that a motor vehicle dealer is not required to make sure that a vehicle is covered by liability insurance before a buyer is permitted to drive the vehicle from the dealer's premises.

I trust the preceding discussion adequately answers your question, however, if any further explanation is required, please feel free to contact me.

With best regards, I am
Very truly yours,

Richard P. Wilson
Assistant Attorney General

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