

1974 WL 27176 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 18, 1974

**\*1 In Re: Drunk Driving—Bicycles**

Mr. Clifford A. Moyer  
Executive Director  
Criminal Justice Academy  
5400 Broad River Road  
Columbia, South Carolina 29210

Dear Mr. Hoyer:

You have inquired whether or not the provisions of Section 46-452, 1982 Code of Laws of South Carolina, make applicable to bicycles the provisions of Section 46-343, 1962 Code of Laws of South Carolina, the drunk driving statute: Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this article and except as to those provisions of this chapter which by their nature can have no application.

Criminal laws must be construed strictly in favor of the accused and against the State when there is ambiguity in a statute. The language of Section 46-452 is vague and is not sufficient, in my opinion, to justify a construction that it brings bicycles within the definition of 'vehicle' as defined in Section 46-211.

It is my thought that it is probable that the intent of Section 46-452 is to bring operators of bicycles within the scope of chapter 7 traffic regulations for civil liability purposes. In any event, I do not believe that a 'catch all' statute such as Section 46-452 provides sufficiently clear notice to constitute a valid criminal statute—and I do not believe it was intended as such.

Very truly yours,

Joseph C. Coleman  
Deputy Attorney General

1974 WL 27176 (S.C.A.G.)

---

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.