

1973 WL 26990 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 4, 1973

***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. Moyer:

You have inquired whether or not a person riding a bicycle while intoxicated may be charged with drunk driving under the provisions of Section 46-343, 1962 Code of Laws of South Carolina.

While Section 46-343 states that it is unlawful for any person to operate ‘any vehicle’ while intoxicated, the term ‘vehicle’ as used in Section 46-343 is defined in Section 46-211 as:

‘Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks, is a ‘vehicle.’

Since a bicycle is moved by human power, it is not a vehicle within the meaning of Section 46-343, and a person may not be charged with drunk driving arising out of the operation of a bicycle while intoxicated.

Very truly yours,

Joseph C. Coleman
Deputy Attorney General

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