



ALAN WILSON
ATTORNEY GENERAL

September 12, 2024

Major Jason Budreau
Greenwood Police Department
P.O. Box 40
Greenwood SC 29648

Dear Major Budreau:

We received your letter requesting an Attorney General's opinion regarding the registration,

[REDACTED]

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fact finding body, we are not able to adjudicate or investigate factual issues. See O.S.C. Att' Gen., 2022 WL 3650096 (S.C.A.G. August 15, 2022) (“[T]he question of whether a particular action is lawful involves questions of fact which cannot be resolved by a legal opinion of this Office.”).

[REDACTED]

[REDACTED]

[REDACTED]

Gen., 2006 WL 1207271 (S.C.A.G. April 4, 2006) (alteration in original) (quoting O.S.C. Att' Gen., 1989 WL 406130 (April 3, 1989)). Therefore, because it would involve a determination of facts, we cannot render an opinion as to whether the individual referenced in your letter may lawfully operate the subject UTV on South Carolina highways. See O.S.C. Att' Gen., 2022 WL 3650096 (S.C.A.G. August 15, 2022) (“[T]he question of whether a particular action is lawful involves questions of fact which cannot be resolved by a legal opinion of this Office.”).

[REDACTED]

(2) operation of the vehicle in this State for an accumulated period exceeding one hundred fifty days.

As used in Chapter 3 of Title 56, "Foreign vehicle" means every vehicle of a type...

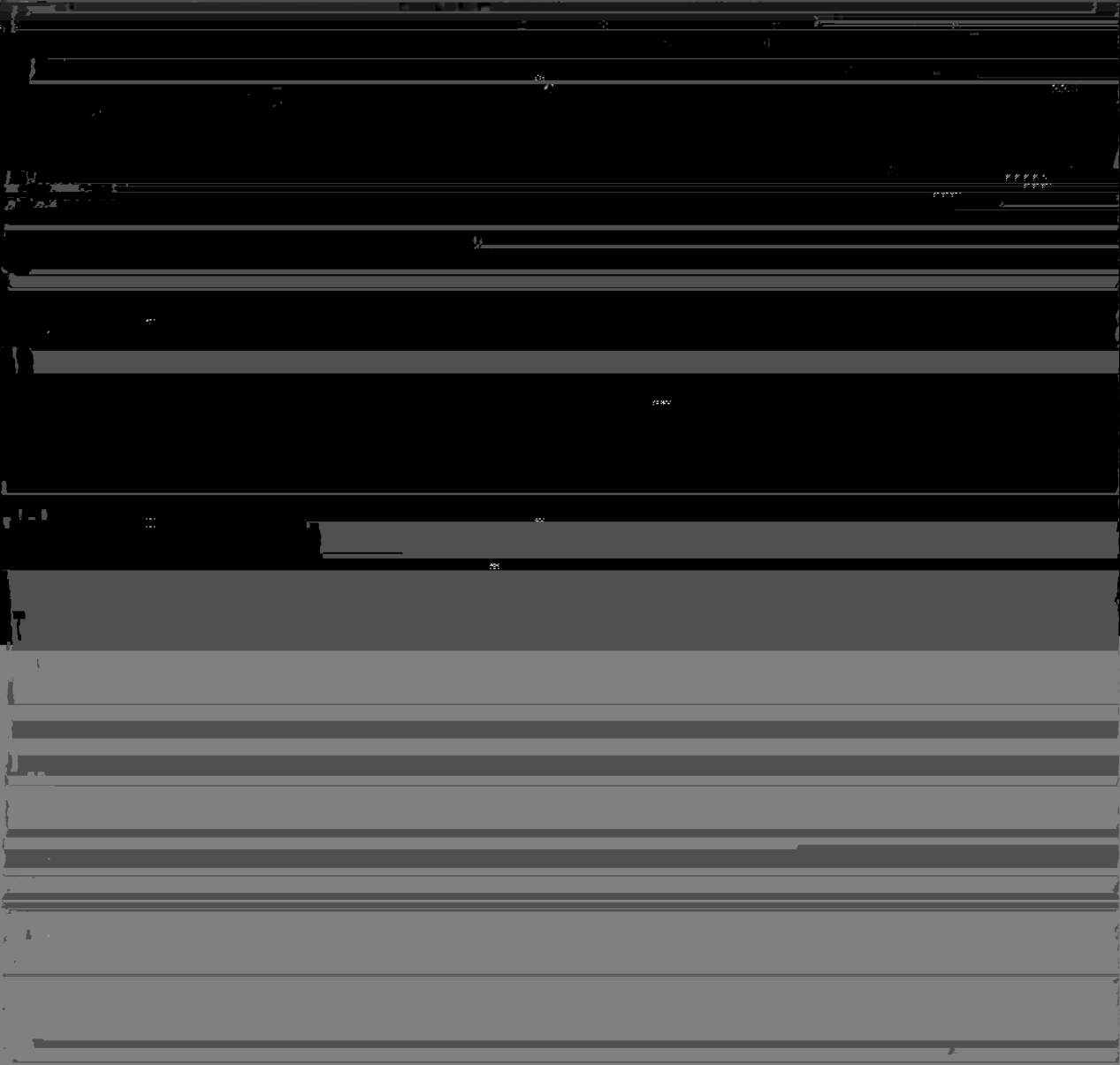
[REDACTED]

registered brought into this State from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this State." S.C. Code Ann. § 56-3-20(16) (Supp. 2023).

Our State appellate courts have not addressed the foreign vehicle exemption under section 56-2

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“Off Road Use Only” means a brand added to a vehicle's title by [SCDMV] to designate a vehicle's Manufacturer Certificate of Origin or equivalent document of origin designating a vehicle is not manufactured for use on public roads. *[SCDMV] shall not register and license the vehicle pursuant to Section 56-3-350 [of the South Carolina Code (2018)]*. Vehicles brought into this State from a foreign jurisdiction without a title that clearly says “Off Road Use Only”, or its equivalent, which do not meet Federal Motor Vehicle Safety Standards may be subject to this brand at [SCDMV]’s discretion.



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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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170 of the South Carolina Code (2018). provides for vehicle reciprocity between this State and

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As mentioned previously, the General Assembly has not defined or specifically addressed the

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of UTVs on South Carolina highways through legislation. Cf. S.C. Code Ann. § 56-1-10(20)

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is limited to vehicles that are of a type that are required to be licensed and registered for use on State highways. Relying on SCDMV's determination that UTVs are designated for off road use only and therefore not subject to licensing and registration, we believe a court would likely find UTVs do not qualify for an exemption under section 56-3-150 because they are not foreign vehicles. Accordingly, we believe a court would likely find a UTV owned by an out-of-state business entity and licensed and registered in another state would not qualify for statutory exemption under section 56-3-150.

In addition to the statutory exemption under section 56-3-150, section 56-3-170 provides for vehicle reciprocity between this State and other states, countries, territories, and districts. Initially, we believe the language used in the statute grants SCDMV discretion in determining whether to grant vehicle reciprocity, rather than mandating reciprocity. Further, although section 56-3-170 grants reciprocity with respect to any vehicles, we believe a court would hold reciprocity does not

[REDACTED]

McCann