

1977 WL 37366 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 17, 1977

\*1 Corporal J. E. Rutledge  
Community Relations Officer  
Lancaster Police Department  
Post Office Box 1008  
Lancaster, South Carolina 29720

Dear Corporal Rutledge:

You have requested the advice of this Office on the question of whether the requirements of Section 46-155 of the Code are met when the adult driver who is accompanying a juvenile driver with a beginner's permit is under the influence of alcohol or drugs.

Section 46-155 requires the beginner to be accompanied by a licensed driver twenty-one years of age or older with at least one year of driving experience so that the young driver can be provided the prompt advice and assistance that may be necessary for the safe operation of the automobile. However, this Section carries a criminal penalty and as such it can only be enforced against a beginner driver to the extent that it places him on notice as to what conduct is prohibited.

Applying this rule of strict construction, you are advised that in the opinion of this Office, in such a situation, the beginner driver would be operating the automobile lawfully.

Yours very truly,

Joseph C. Coleman  
Deputy Attorney General

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