

1976 S.C. Op. Atty. Gen. 284 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4429, 1976 WL 23046

Office of the Attorney General

State of South Carolina

Opinion No. 4429

August 20, 1976

\*1 Mr. Howard R. Boozer

Executive Director

South Carolina Commission on Higher Education

Rutledge Building

1429 Senate Street

Columbia, South Carolina 29201

Dear Mr. Boozer:

You have requested our opinion regarding the residency status of a student who has reached the age of majority but is still dependent for financial support upon a South Carolina resident who has been domiciled in this State for less than twelve months and who has full-time employment in South Carolina. In our view, such a student must pay the out-of-state rate unless otherwise qualified to pay the in-state rate.

Section 22–2.2(B)(b) provides in part as follows:

Persons who reside in and have been domiciled in South Carolina for less than twelve months but who have full-time employment in the State and the spouse and unemancipated minors of such person may be considered South Carolina residents for tuition and fee purposes at state institutions . . . . See S. C. Code Annot., § 22–2.2(B)(b) (1962) (Cum. Supp.).

Where the terms of a statute are clear and unambiguous, they must, of course, be applied according to their literal meaning. [Jones v. South Carolina State Highway Department](#), 247 SC 132, 146 SE2d 166 (1966). The statute just quoted would enable only ‘unemancipated minors’ of a person resident and domiciled in South Carolina for a period of less than twelve months to attend state institutions of higher learning at the in-state rate. Obviously, if one has reached the age of majority, which, in South Carolina, is eighteen years of age [see S. C. CONST. Art. 17 § 13 (1895)], he no longer can be considered an ‘unemancipated minor.’ A person, as a matter of law, becomes emancipated when he reaches the age of majority [59 AM.JUR.2d Parent and Child § 93 at 191 (1971)]; and on reaching the age of majority, he necessarily ceases to be a ‘minor.’ The statute permits only ‘unemancipated minors’ to pay the in-state rate; it does not allow ‘emancipated majors’ to pay that rate.

Best wishes,

C. Tolbert Goolsby, Jr.

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