

1976 WL 30516 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
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*1 Supervisor
Driver's License Records

QUESTION PRESENTED:

What is the effect of a cancellation of the driver's permit or license of a minor, after proper request under Section 46-161, upon the liability imposed under Section 46-160 upon the person signing for such minor?

STATUTES INVOLVED:

'Section 46-160. Liability of person signing application for damages caused by uninsured minor. Any negligence or wilful misconduct of a minor when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of such minor for a beginner's permit, instruction permit or driver's license, which person shall be jointly and severally liable with such minor for any damage caused by a policy of liability insurance in the form and in the amounts as required under chapter 8 of this Title, then such parent or guardian or other responsible adult shall not be subject to the liability otherwise imposed under this section.

'Section 46-161. Release from such liability by cancellation of permit or license. Any person who has signed the application of a minor for a permit or license may thereafter file with the Department a verified written request that the permit or license of such minor so granted be cancelled. Thereupon, the person who signed the application of such minor shall be relieved from the liability imposed under Section 46-160 by reason of having signed such application on account of any subsequent negligence or wilful misconduct of such minor in operating a motor vehicle, and the license or permit of such minor shall be cancelled by the Department.'

DISCUSSION:

You have asked for an opinion of this Office as to the effect of a proper request and cancellation, under authority of Section 46-161 of the 1962 Code of Laws of South Carolina, of a minor's driver's permit or license, upon the liability imposed upon the adult person signing with said minor under Section 46-160, supra. The terms of Section 46-161 expressly relieve that individual from the liability imposed under Section 46-160 after proper request has been made in accordance with that section.

CONCLUSION:

Therefore, it is the opinion of this Office that after proper request for cancellation of a minor's driver's permit or license, under Section 46-161, the adult person who signed said minor's application shall be relieved of the liability imposed under Section 46-160.

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