

From: Todd, William L.
To: Thompson, Rhonda S. <Thompson_RhondaS@scdps.state.sc.us>
CC: Matthews, Eugene H. <Matthews_EugeneH@scdps.state.sc.us>
Burgis, David <Burgis_David@scdps.state.sc.us>
Adams, Marcia S. <Adams_MarciaS@scdps.state.sc.us>
Kottmyer, Elizabeth Q. <Kottmyer_ElizabethQ@scdps.state.sc.us>
Date: 3/30/2001 4:03:44 PM
Subject: RE: Information

Rhonda:

With regard to the issue of whether Charleston's planned on-line registration renewal process would meet current statutory requirements, I advised you that the lack of a "signed statement" appeared to me to fail to meet the requirements of SC Code section 56-10-10 (see below). I do not believe that a PIN number qualifies as a signature, at least for purposes of a criminal prosecution (perjury is a criminal offense).

However, I also advised you that I was unaware of any perjury prosecutions ever being initiated against anyone for lying about having liability insurance. Consequently, as a practical matter, I don't know what real value there is in insisting on a "signed statement." Indeed, the usual sanction is to suspend the registration and driver's license of someone who lies and charge a hefty reinstatement fee. This can be done without a "signed statement." So, not having a "signed statement" may not cost us very much in practical terms insofar as enforcing this law is concerned.

Obviously, there are potential political problems associated with our not following the statutes as they are written. In this case, the statute is fairly clear that, in the absence of a signed statement "[n]o certificate of registration may be issued or transferred to an owner by the director of the department."

So far as Linda Coates issue of mailing certificates of title rather than personal delivery, SC Code section 56-19-340 states that the department must mail a certificate of title to the lienholder, if any. However, in matters of law, personal delivery is always deemed the equal or better of mailing. If a lienholder authorizes in writing an employee or agent to pick up a certificate of title and we are satisfied as to the authority of the individual and as to his identity, I see no reason why we should not hand deliver the title. Some record should be kept that a particular certificate was given to a particular person as well as the time, date, and place of delivery. We may want to come up with some standardized language for the lienholder to advise us that a person has been authorized to pick up certificates of title on their behalf.

I hope this has answered your questions, if you need further information, please let me know.

SECTION 56-10-10. Security required on registered vehicles.

Every owner of a motor vehicle required to be registered in this State shall maintain the security required by Section 56-10-20 with respect to each motor vehicle owned by him throughout the period the registration is in effect. No certificate of registration may be issued or transferred to an owner by the director of the department unless the owner or prospective owner produces satisfactory evidence that the security is in effect, including the name of the owner's automobile liability insurer, and his signed statement, subject to this state's perjury statutes, that insurance is in place as required by this section.

SECTION 56-19-340. Certificate mailed to first lienholder or, if none, to owner.

The certificate of title must be mailed to the first lienholder named in it or given to the lienholder's authorized agent or, if none, to the owner. (emphasis added).

-----Original Message-----

From: Thompson, Rhonda S.
Sent: Monday, March 26, 2001 10:16 AM
To: Todd, William L.
Subject: RE: Information

Good Monday morning, Bill!

The information I had requested was regarding the Charleston on-line plans, and the matter of issuing titles (Ford Motor Credit) over-the-counter (Linda Coates). Please provide me with a legal opinion, in writing, as soon as you can.

Thanks, again!
Rhonda

-----Original Message-----

From: Todd, William L.
Sent: Friday, March 23, 2001 4:34 PM
To: Thompson, Rhonda S.
Subject: RE: Information

Rhonda:

My brain is absolutely fried, and I misplaced the short note I made to myself after our conversation yesterday. I remember that you said you were taking notes. Hopefully, you have managed to keep up with yours better than I did. Could you please memorialize our call, e-mail it to me, and I will concur, with any necessary clarifications. Thanks.

I spoke to Marsha yesterday and explained to her my conversation with you about Charleston's on-line plans.

Hope you have a nice weekend also. I will be out of the office until Thursday.

Bill

-----Original Message-----

From: Thompson, Rhonda S.
Sent: Friday, March 23, 2001 2:41 PM
To: Todd, William L.
Subject: Information

Good afternoon, Bill!

Just a reminder...as soon as you have the opportunity, I would appreciate the information we discussed yesterday.

Thank you! Have a nice weekend!
Rhonda