



ALAN WILSON
ATTORNEY GENERAL

September 18, 2013

The Honorable Scott D. Whittle
Magistrate, Lexington County
500 Charlie Rast Road
Swansea, South Carolina 29160

Dear Judge Whittle,

You seek an opinion of this Office concerning the collection of fines by the State Transport Police (the "STP") for certain violations of the Uniform Act Regulating Traffic on Highways (the "UTA"), S.C. Code §§ 56-5-10 et seq. By way of background, you provide the following information:

As a Magistrate for Lexington County, I am charged with hearing cases brought before me by the State Transport Police, who enforce local laws pertaining to commercial vehicles.

As you are aware State Code of Laws § 56-5-4160(E) allows for an operator/owner of a commercial vehicle who is charged with a size or weight violation to post a reduced fine directly to the office of the State Transport Police prior to court, or if the case is adjudicated by the magistrate the fine increases and the collection is made by the Magistrate Court, and disbursed according to 56-5-4160(F).

In Lexington County Central Traffic Court we have observed citations written on [a uniform size, weight and safety citation] of other code sections, where the defendant has been advised to pay a reduced fine prior to court directly to the State Transport Police. The code sections we have observed were all under Article 33 [of the UTA].

The State Transport Police Officers have been instructed to collect fines for any violation of Article 33, as provided for in § 56-5-4160(E), even though some sections in Article 33 allow for fines and/or jail time.

With this in mind, your specific question is whether it is "proper to collect all fines under Article 33, pursuant to the provisions of § 56-5-4160(E), even though it states 'citation is issued pursuant to this section?'" You have also attached a listing providing to the STP by their general counsel which advises them to issue a uniform size, weight and safety citation for violations of § 58-23-1120 as well as most sections located in Article 33 of the UTA.

Law/Analysis

By way of background, we note that the statutory section you reference is part of the Uniform Act Regulating Traffic on Highways (the "UTA"), the provisions of which are found in Chapter 5 of Title 56 of the S.C. Code. State and local law enforcement officers are required to use a uniform traffic ticket (UTT) for all traffic offenses as well as certain other enumerated offenses. S.C. Code § 56-7-10. That section further provides that a magistrates' court obtains jurisdiction over such traffic violations upon the issuance of a UTT. The general rule for the disposition of fines collected for violations of the UTA is stated as follows:

All fines collected as penalties for violation of this chapter and bond or bail forfeitures shall be paid over by the magistrate or person collecting them to the county treasurer of the county in which such fines and bond or bail forfeitures are collected, except that when such fines or bond or bail forfeitures are collected by municipal police officers and municipal courts the amounts so collected shall be paid over to the city treasurer of the municipality.

§ 56-5-6200.

However, § 56-5-4160 creates certain exceptions to the above statutes for certain citations issued by the STP. That section states, in its entirety:

(A) An officer or agent of the Department of Public Safety having reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle and load either by means of portable or stationary scales and may require that the vehicle be driven to the nearest public scales. Whenever an officer upon weighing a vehicle and load determines that the weight is unlawful, he may require the driver to stop the vehicle in a suitable place and remain standing until the portion of the load necessary to reduce the axle weight, or gross weight of the vehicle, or both, to the limits permitted under this chapter is removed. All material unloaded must be cared for by the owner or operator of the vehicle at his own risk. In determining whether the limits established by Section 56-5-4130 or 56-5-4140 have been exceeded, the scaled weights of the gross weight of vehicles and combinations of vehicles are considered to be not closer than ten percent to the true gross weight, except as otherwise provided in Section 56-5-4140.

(B) A person who operates a vehicle on a public highway whose axle weight is in excess of the limits imposed by Section 56-5-4130 or 56-5-4140 is guilty of a misdemeanor and, upon conviction, must be fined five cents per pound or imprisoned not more than thirty days, or both. If a vehicle does not exceed the gross weight limits provided for by this article, and the axle weight limits are not exceeded by more than five percent including enforcement tolerances, the fine imposed is reduced by fifty percent with a minimum fine of twenty-five dollars.

(C) A person who operates a vehicle found to exceed the excess gross weight limitations imposed by Section 56-5-4130 or 56-5-4140 is guilty of a misdemeanor and, upon conviction, shall pay to the Department of Public Safety a fine based on the following scale:

- (1) 500-3,500 pounds: four cents per pound over weight limit;
- (2) 3,501-6000 pounds: six cents per pound over weight limit, beginning with the first pound in excess;
- (3) 6,001 pounds and over: ten cents per pound over weight limit, beginning with the first pound in excess.

The fine imposed pursuant to items (1) and (2) must be equal to one-half the rate for vehicles transporting raw farm or forest products from the farm or forest to the first market, or by fully enclosed motor vehicles designed specifically for collecting, compacting, and hauling garbage from residences or from garbage dumpsters, or by motor vehicles operating open top trailers used for hauling recyclables, scrap, and waste materials from sites without facilities for weighing, when operating for those purposes. If an operator is found to be in violation of both gross and axle limits, only one citation may be issued, the fine being for the greater of the two, for that load. No fine may be issued for violation of the vehicle registration statutes if that vehicle is registered for the maximum allowable weight for that class of vehicle as provided in Section 56-5-4140.

If the operator of the vehicle, upon conviction, fails to remit the fine imposed by this subsection to the Department of Public Safety, the owner of the vehicle is responsible for remitting the fine. The court is prohibited from suspending any portion of this fine.

(D)(1) A person who operates a vehicle found to have out-of-service violations, other than violations of brakes out of adjustment and lighting violations which can be repaired at the scene, detected during a roadside inspection, is guilty of a misdemeanor and, upon conviction, shall pay to the Department of Public Safety a fine of two hundred dollars.

(2)(a) An individual who operates a commercial motor vehicle on a public highway whose vehicle or driver is in violation of the out-of-service order as defined in 49 CFR 390.5 is guilty of a misdemeanor and, upon conviction, must be fined five hundred dollars.

(b) A company or individual who operates or allows a commercial motor vehicle to be operated on a public highway in violation of a motor carrier operation out-of-service order, or order to cease operation, is guilty of a misdemeanor and, upon conviction, must be fined one thousand dollars.

(3) If the operator of the vehicle, upon conviction, fails to remit the fine imposed by this subsection to the Department of Public Safety, the owner of the vehicle is responsible for remitting the fine. The court is prohibited from suspending any portion of this fine.

(E) At the time that a uniform size, weight, and safety citation is issued pursuant to this section, the officer or agent who is authorized to issue the citation must inform the individual receiving the citation that he has the option, at that time, to elect to pay his fine directly to the Department of Public Safety or to receive a hearing in magistrate's court. If the individual at the time the citation is issued elects to pay his fine directly to the department within twenty-eight days, as specified on the citation, no assessments may be added to the original fine pursuant to this section. The fine may be deposited with the arresting officer or a person the department may designate. The fine must be deposited in full or other arrangements satisfactory to the department for payment must be made before the operator is allowed to move the vehicle.

(F) Magistrates have jurisdiction of all contested violations of this section. All monies collected pursuant to Section 56-5-4160 must be forwarded to the Department of Public Safety as provided for in this section. A magistrate, within forty-five days, must forward all monies collected to the department for deposit in the account established in this section. The department shall use these monies to establish and maintain automated data bases, to upgrade and refurbish existing weigh stations, to purchase and maintain portable scales, to hire additional State Transport Police Officers, to purchase equipment for State Transport Police Officers, and to procure other commercial motor vehicle safety measures, and fund other commercial motor vehicle safety programs that the department considers necessary. The fine may be deposited with the arresting officer or a person the department may designate. The fine must be deposited in full or other arrangements satisfactory to the department for payment must be made before the operator is allowed to move the vehicle. If there is no conviction, the fine must be returned to the owner promptly.

“Conviction”, as used in this section, also includes the entry of a plea of guilty or nolo contendere and the forfeiture of bail or collateral deposited to secure a defendant's presence in the court.

If the fine is not paid in full to the Department of Public Safety within forty-five days after conviction, the license and registration of the vehicle found to violate Section 58-23-1120 or Regulations 38-423 et seq. or exceed the limits imposed by Section 56-5-4130 or 56-5-4140 must be suspended. The owner of the vehicles immediately shall return the license and registration of the vehicle to the Department of Motor Vehicles. If a person fails to return them as provided in this section, the Department of Motor Vehicles may secure possession of them by a commissioned trooper or officer. The suspension continues until the fine is paid in full.

(G) The Department of Public Safety shall provide a separate uniform citation to be used by the State Transport Police Division of the Department of Public Safety. The uniform citation must be used for all size, weight, idling, and safety violations which the State Transport Police Division of the Department of Public Safety is primarily responsible for enforcing.

(H) The issuance of a uniform citation to the operator of a vehicle for a violation of this section, Section 58-23-1120, or Regulation 38-423, et seq., constitutes notice to the owner of the violation. The uniform citation must include the following language in bold letters to be printed across the bottom of the citation "THE ISSUANCE OF A UNIFORM CITATION NOTICE TO THE OPERATOR OF A VEHICLE CONSTITUTES NOTICE TO THE OWNER OF A SIZE, WEIGHT, IDLING, OR SAFETY VIOLATION".

(I) An individual who fails to conduct a safety inspection of a vehicle as required by Part 396 of the Federal Motor Carrier Safety Regulations or fails to have in his possession documentation that an inspection has been performed must be fined one hundred dollars per vehicle operated in violation of this subsection.

(J) Motor carriers, officers, or agents in charge of them, who fail or refuse to permit authorized State Transport Police representatives or employees to examine and inspect their books, records, accounts, and documents, or their plants, property, or facilities, as provided by law and with reasonable notice, are guilty of a misdemeanor. Each day of such failure or refusal constitutes a separate offense and each offense is punishable by a fine of one thousand dollars.

(K) Notwithstanding any other provision of law, all fines collected pursuant to this section must be deposited into an account in the Office of the State Treasurer and called the "Size, Weight, and Safety Revitalization Program Fund for Permanent Improvements". Monies credited to the fund may only be expended as authorized in item (F) of this section.

(L) Notwithstanding any other provision of law, the maximum gross vehicle weight and axle weight limit for a vehicle or combination of vehicles equipped with an idle reduction system, as provided for in 23 U.S.C. 127, may be increased by an amount equal to the weight of the system, not to exceed four hundred pounds. Upon request by a law enforcement officer, the vehicle operator must provide proof that the system is fully functional and that the vehicle's gross weight increase allowed pursuant to this section is attributable only to the system.

§ 56-5-4160 (emphasis added).

In responding to your question, a number of principles of statutory construction are applicable. "The cardinal rule of statutory construction is to ascertain and effectuate the intent of the legislature." Hodges v. Rainey, 341 S.C. 79, 86, 533 S.E.2d 578, 581 (2000). "[Courts] will give words their plain and

ordinary meaning, and will not resort to a subtle or forced construction that would limit or expand the statute's operation." Harris v. Anderson County Sheriff's Office, 381 S.C. 357, 362, 673 S.E.2d 423, 425 (2009). "If a statute's language is plain, unambiguous, and conveys a clear meaning, then the rules of statutory interpretation are not needed and a court has no right to impose another meaning." Strickland v. Strickland, 375 S.C. 76, 85, 650 S.E.2d 465, 472 (2007). "[S]tatutes must be read as a whole, and sections which are part of the same general statutory scheme must be construed together and each one given effect, if reasonable." State v. Thomas, 372 S.C. 466, 468, 642 S.E.2d 724, 725 (2007). "[C]ourts will reject a statutory interpretation that would lead to an absurd result not intended by the legislature or that would defeat plain legislative intention." State v. Johnson, 396 S.C. 182, 189, 720 S.E.2d 516, 520 (Ct. App. 2011). Where the plain language of a statute is ambiguous or "lends itself to two equally logical interpretations," a court may look beyond the borders of the act itself to determine the Legislature's intent. Kennedy v. S.C. Ret. Sys., 345 S.C. 339, 348, 549 S.E.2d 243, 247 (2001).

Your question primarily concerns the language in subsection (E) of § 56-5-4160 providing that an STP officer is required, "[a]t the time that a uniform size, weight, and safety citation is issued pursuant to this section," to inform the recipient of the citation that he has the option of paying his fine directly to DPS. We believe the language of this provision is arguably ambiguous. On one hand, this language could be interpreted as authorizing a fine to be paid directly to DPS only when a citation is issued for a violation specifically referenced in "this section," that is, § 56-5-4160 as a whole. On the other hand, a different interpretation results when subsection (E) is read in conjunction with subsection (G) which establishes the uniform citation the STP is required to use in certain situations. Reading these two subsections together, one could conclude the Legislature intended for an STP officer to issue a uniform citation and inform the recipient that he has the option of paying his fine directly to DPS in any situation involving a size, weight, idling, or safety violation the STP "is primarily responsible for enforcing." § 56-5-4160(G). This interpretation is supported by the fact that the Legislature chose to use language making subsection (E) applicable when "*a uniform ... citation is issued pursuant to this section*" as opposed to only those situations in which a uniform citation is issued for *a violation of this section*. (Emphasis added). For this reason, we believe the latter interpretation was intended by the Legislature. Accordingly, the question becomes precisely what are the size, weight, idling, and safety violations the STP is "primarily responsible for enforcing."

The statutory provisions setting forth the enforcement authority of the STP are scattered throughout the Code. The STP is established as a division within DPS which "shall have such troopers, officers, agents and employees as [DPS] may deem necessary and proper for the enforcement of the *commercial motor vehicle carrier laws*" § 23-6-100(A) (emphasis added). S.C. Code § 23-6-140 states, in part:

The troopers and officers of the State Police shall have the **primary responsibility** for the enforcement of laws relating to **commercial motor carriers** relating to size, weight, permits, licensing, and inspections for size and weight tolerance and safety. All officers and troopers shall have the same power to serve criminal processes against offenders as sheriffs of the various counties and also the same power as such sheriffs to arrest without warrants and to detain persons found violating or attempting to violate any laws of the State relative to highway traffic, motor vehicles or commercial motor carriers. These officers and

troopers shall also have the same power and authority held by deputy sheriffs for the enforcement of the criminal laws of the State.

§ 23-6-140 (emphasis added).

Two separate statutory provisions, § 56-5-4010(B) and § 58-23-1120, expressly state that the STP "has *exclusive authority* in this State for enforcement of the *commercial motor vehicle carrier laws*, which include Federal Motor Carrier Safety Regulations, Hazardous Material Regulations, and size and weight laws and regulations." (Emphasis added); see also § 56-5-4240(A) ("a *commercial motor vehicle*" operating in interstate commerce and meeting a certain weight threshold "must meet the requirements of the Federal Motor Carrier Safety Regulations, as enforced *exclusively* by the [STP]") (emphasis added). The STP is also "primarily responsible" for enforcing the provisions of Chapter 35 of Title 56 concerning idling restrictions for commercial diesel vehicles. § 56-35-50(A). Subsection (D) of § 56-35-50 also provides that the STP "shall use the citation form referenced in Section 56-5-4160(G) for idling violations."¹ Furthermore, all of the state and federal regulations enforced by the STP concern commercial motor carriers or vehicles. See generally S.C. Code Regs. 38-382 to -503; S.C. Code Regs. 38-424 ("The rules and regulations adopted by the United States Department of Transportation relating to safety of operation and to equipment (49 CFR Parts 382, 383, 385, 387, and 390-399 and amendments thereto), and the rules and regulations adopted by the United States Department of Transportation relating to hazardous materials (49 CFR Parts 171-180 and amendments thereto) shall apply to all *motor carrier vehicles* engaged in interstate commerce and intrastate commerce over the highways within the State of South Carolina") (emphasis added).

It is clear to us from the statutory provisions referenced above that the Legislature intended for the STP's exclusive or primary enforcement authority in this State to extend only to certain laws and regulations concerning *commercial motor carriers* or *vehicles*. These terms are defined in several relevant state and federal statutes and regulations. In Chapter 23 of Title 58 regulating "motor vehicle carriers" defines that term to mean "every corporation or person ... owning, controlling, operating or managing any motor propelled vehicle, not usually operated on or over rails, used in the business of transporting persons or property for compensation over an improved public highway in this State." § 56-23-10(4); see also § 58-23-1110(5) and S.C. Code Regs. 38-423 (both defining "motor carrier" as "every corporation or person ... owning, controlling, operating, or managing any motor propelled vehicle used in transporting persons or property over any improved public highway in this State, whether or not for compensation, as defined by Section 58-23-30 and includes, but is not limited to, motor vehicle carriers as defined in Section 58-23-10 and private carriers"). The provisions of Chapter 35 of Title 56 concerning idling restrictions for commercial diesel vehicles, which the STP is primarily responsible for enforcing pursuant to § 56-35-50(A), defines a "commercial diesel vehicle as "a self-propelled diesel motor vehicle licensed for use on a public roadway to transport passengers or property when the vehicle has a gross

¹ Various other statutes generally discuss the authority of the STP. See, e.g., § 1-30-90 (transferring the rights and obligations of the Public Service Commission Safety Enforcement Department, which formerly enforced "Motor Vehicle Carrier Law and other related laws" pursuant to § 58-3-310, to the STP); § 23-6-20(B) (transferring and devolving "functions, powers, duties, responsibilities, and authority statutorily exercised by ... the Safety Enforcement Officers of the Office of Enforcement within the Transportation Division of the South Carolina Public Service Commission" upon the STP); § 23-6-185 ("enforcement by the [STP] of Articles 3 and 5, Chapter 23 of Title 58, shall be funded from the motor carrier registration fees collected by the Department of Motor Vehicles").

weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight of ten thousand and one pounds or more, whichever is greater." § 56-35-10(2). For purposes of the Federal Motor Carrier Safety Regulations found in 49 C.F.R. Parts 350 through 399, a "commercial motor vehicle" is defined as follows:

Commercial motor vehicle means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle--

- (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or
- (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

49 C.F.R. § 390.5.

In light of the above provisions, the laws and regulations the STP is primarily responsible for enforcing generally concern the ownership, management, or operation of motor vehicles used to transport property or persons on public highways. With this in mind, we believe § 56-5-4160(G) is properly read as requiring the STP to issue the uniform citation established in that subsection for any size, weight, idling, or safety violation concerning commercial motor carriers or commercial motor vehicles. Upon the issuance of a uniform citation for any such violations, an STP officer is authorized under subsection (E) of § 56-5-4160 to inform the recipient that he has the option of paying his fine directly to DPS.

While we are unable to provide an exhaustive list of all the laws and regulations which fall into categories mentioned above, it seems clear to us that the Legislature did not intend for the STP to be primarily responsible for enforcing any laws or regulations concerning non-commercial or mere passenger vehicles. For purposes of the UTA, a "passenger car" is defined as "[e]very motor vehicle except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used for the transportation of persons" § 56-5-361. With regards to your specific question, this would preclude the STP from issuing such a uniform citation for certain violations of Article 33 of the UTA which apply only to non-commercial or passenger vehicles or which, under certain circumstances, could be committed by a non-commercial or passenger vehicle. See, e.g., § 56-5-4030(C) (concerning "[a]ppurtenances on motor homes, travel trailers, and truck campers in *noncommercial use*") (emphasis added); § 56-5-4050 ("No *passenger vehicle* shall be operated on any highway with any load" extending beyond certain limits) (emphasis added); § 56-5-4110 ("No person shall operate on any highway *any vehicle* with any load

unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other uses of the highway") (emphasis added).

This is not to suggest, however, that an STP officer has no authority over persons operating non-commercial or passenger vehicles. As previously mentioned, STP officers "also have the same power and authority held by deputy sheriffs for the enforcement of the criminal laws of the State." § 23-6-140. Thus, an STP officer may still issue a UTT to individuals operating non-commercial or passenger vehicles for traffic and other offenses with the same authority and in the same manner as a local law enforcement officer.

Likewise, an STP officer is not prohibited from citing or arresting the operator of a commercial motor vehicle for violating the laws of this State which the STP is not primarily responsible for enforcing, i.e., for violations or offenses not related to size, weight, idling, or safety restrictions. Pursuant to § 56-7-10, a UTT and "[n]o other ticket" may be used in arrests for traffic offenses and the additional offenses listed in that section. Thus, a UTT should be issued to the operator of a commercial vehicle who commits a common traffic offense, e.g., driving in excess of the posted speed limit or failing to stop at a stop sign, regardless of whether the issuing officer is a local deputy sheriff or an STP officer.

Conclusion

It is the opinion of this Office a court would likely conclude the STP's authority to issue its own uniform citation and inform the recipient that he has the option of paying his fine directly to DPS is limited to situations involving violations of laws and regulations concerning commercial motor carriers or vehicles related to size, weight, idling, and safety. Subsection (G) of § 56-5-4160 provides that when "a uniform size, weight, and safety citation is issued pursuant to this section," an STP officer must inform the recipient that he has the option of paying his fine directly to DPS as opposed to contesting the violation in magistrate's court. We believe this subsection should be read in conjunction with subsection (G) of that same statute which establishes the use of such a uniform citation by the STP which "must be used for all size, weight, idling, and safety violations the [STP] is primarily responsible for enforcing." Reading these two provisions together, we believe the Legislature intended for the STP to issue a uniform citation and inform the recipient of the option to pay his fine directly to DPS in any situation involving a size, weight, idling, or safety violation the STP is "primarily responsible for enforcing."

The pertinent statutes setting forth the STP's authority reveal that the STP is exclusively or primarily responsible for enforcing size, weight, idling, and safety laws and regulations concerning *commercial motor carriers* or *commercial motor vehicles*. As defined by relevant state and federal statutes and regulations, the laws and regulations concerning commercial motor carriers or vehicles are those which generally concern the ownership, management, or operation of motor vehicles used to transport property or persons on public highways. Accordingly, we believe the provisions of § 56-5-4160 should be read as authorizing the STP to issue a uniform citation and inform the recipient of his option to pay his fine directly to DPS in any situation involving a size, weight, idling, or safety violation concerning commercial motor carriers or vehicles, i.e., the ownership, management, or operation of motor vehicles used to transport persons or property on public highways.

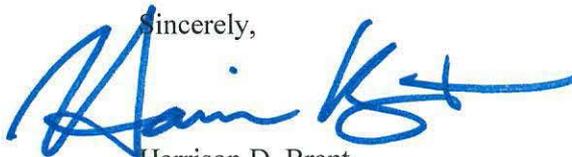
The Honorable Scott D. Whittle
Page 10
September 18, 2013

While we are unable to provide an exhaustive list of all the laws and regulations which fall into the categories above, it seems clear to us that the Legislature did not intend for the STP to be primarily responsible for enforcing laws and regulations concerning noncommercial or mere passenger vehicles. See, e.g., § 56-5-361 (defining "passenger car" for purposes of UTA as "[e]very motor vehicle except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used for the transportation of persons"). Thus, the STP is precluded from issuing its uniform citation for certain violations of Article 33 of the UTA which concern only noncommercial or passenger vehicles or which, under certain circumstances, could be committed by the operators of such vehicles.

This is not to suggest, however, that the STP has no authority to enforce violations of State criminal laws or traffic offenses which the STP is not primarily responsible for enforcing. STP officers "also have the same power and authority held by deputy sheriffs for the enforcement of the criminal laws of the State." § 23-6-140. In addition, § 56-7-10 provides that no ticket other than a UTT may be used for traffic offenses and the additional offenses listed in that section. Thus, an STP officer has the authority to issue a UTT to the operator of a noncommercial or passenger vehicle for traffic and certain other offenses. Likewise, a UTT should also be issued to the operator of a commercial motor vehicle who commits a common traffic offense, e.g., speeding or running a stop sign, regardless of whether the ticket is issued by the STP or local law enforcement. Pursuant to § 56-5-6200, fines collected as penalties for such violations should be turned over to the treasurer of the local jurisdiction in which the violation occurred.

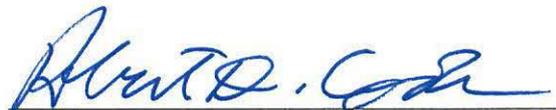
If this is not the result the Legislature intended, we suggest legislation be enacted or amended to clarify the matter. This could be accomplished through the use of language expressly designating the specific offenses or violations the STP is required to enforce using the uniform citation established in § 56-5-4160(G) and/or the specific offenses or violations DPS is authorized to collect a fine for directly from the recipient of the citation pursuant to § 56-5-4160(E).

Sincerely,



Harrison D. Brant
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Solicitor General