

1974 WL 27722 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 18, 1974

*1 Mr. Christopher Gintz
Administrative Officer
Sheriff's Department
Lexington, South Carolina 29072

Dear Mr. Gintz:

This is in response to your inquiry concerning the legality of operating motor race tracks on Sundays in Lexington County. Section 64-1 of the 1962 Code of Laws of South Carolina, as amended, reads in part as follows:

no public sport or past times, such as . . . football playing, horse racing, interludes or common plays . . . shall be used on Sunday by any person whatsoever.

The South Carolina Supreme Court, in *Bishop v. Hanna*, 218 S.C. 474, 68 SE2d 308, (1951) said that stockcar racing was a public sport within the meaning of the above quoted section and was, therefore, prohibited in South Carolina on Sunday. The General Assembly has enacted legislation exempting certain counties from this Code section. However, Lexington is not one of these counties so exempted.

Therefore, it is the opinion of this Office that automobile racing on Sunday in Lexington County is prohibited.

Very truly yours,

Donald V. Myers
Assistant Attorney General

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