

1974 WL 27912 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 12, 1974

*1 Bynum M. Hunter, Esquire
Smith, Moore, Smith, Schell & Hunter
Attorneys and Counsellors at Law
Post Office Drawer G
Greensboro, North Carolina 27402

Dear Mr. Hunter:

I am in receipt of your recent letter asking the opinion of this office regarding the restricted drivers permit granted by the State of North Carolina. I regret that some time has elapsed since the receipt of this letter, however, the position of this office with regard to such license has undergone a recent alteration due to certain actions taken by the South Carolina State Legislature.

The recent actions mentioned above have placed discretion with the South Carolina Highway Department as to whether or not one's privilege to drive in this State will be suspended on the basis of an out of state conviction for driving under the influence. Such discretion in these matters would seem to raise certain questions of constitutionality, and consequently this office is of the opinion that suspensions in such cases are not advisable.

In summary, the State of South Carolina will honor the restricted privilege to drive granted by the State of North Carolina until further legislative direction is forthcoming.

I hope that this information is sufficient to meet the needs of your inquiry.

Very truly yours,

Hutson S. Davis, Jr.
Assistant Attorney General

1974 WL 27912 (S.C.A.G.)

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.