

1974 WL 27960 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 17, 1974

*1 Julius H. Baggett, Esquire
Attorney at Law
P. O. Box 8
McCormick, South Carolina 29835

Dear Mr. Baggett:

Your letter regarding the Offense of improper backing has been given to me for a response. You asked whether Section 45-492 in conjunction with Section 46-288, contemplates the traffic offense of 'improper backing' occurring on a public highway.

I refer you to an opinion rendered by this office which states that:

'One may commit a traffic offense on private property unless one's presence on a public highway is made an element of the offense—by the statute which creates it.' 1968-69 Op. Atty. Gen. No. 2634 at ??.

However after reading these two section (45-492 and 46-288) conjunctively it is my opinion that the statute contemplates the occurrence of the offense of 'improper backing' on a public highway rather than on private property.

I hope that the information contained herein will satisfy your inquiry into this matter.

Sincerely,

J. Malvin Screen
Legal Assistant

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