

3595 Liberty

The State of South Carolina



Office of the Attorney General

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April 21, 1989

The Honorable Nick A. Theodore
Lieutenant Governor
State of South Carolina
Post Office Box 142
Columbia, South Carolina 29202

Dear Lieutenant Governor Theodore:

You forwarded to this Office a letter from Mr. J. F. Thornton who questions what types of merchandise may be sold on Sundays prior to 1:30 p.m.

Pursuant to Section 53-1-40 of the Code,

... (i)t shall be unlawful for any person to engage in worldly work, labor, business of his ordinary calling or the selling or offering to sell, ... any goods, wares or merchandise, excepting work of necessity or charity.

In 1985, the General Assembly pursuant to Section 53-1-5 of the Code enacted legislation which stated that the blue laws are not applicable after the hour of 1:30 p.m. on Sunday. 1/

However, pursuant to Section 53-1-50 of the Code, a copy of which I am enclosing, the blue laws are not applicable to any of the specified sales or operations at any time on Sunday. I would particularly direct your attention to the provisions of subsections (1), (2) and (10). Any of the items referenced in Section 53-1-50 may be

1/ Pursuant to Section 53-1-150 of the Code, the blue laws "... do not apply to any county area, as defined in Section 12-35-730 of the 1976 Code, which collects more than nine hundred thousand dollars in revenues from the tax imposed in Section 12-35-710 of the 1976 Code."

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sold at any time and the 1:30 p.m. designation generally for the blue laws is inapplicable to the sale of these items. I would also direct your attention to the provisions of Section 53-1-60 of the Code, a copy of which I am enclosing, which specifies certain items that may not be sold on Sunday prior to 1:30 p.m.

Therefore, as to Mr. Thornton's question, any of the items in Section 53-1-50 may be sold at any time on Sunday. However, other items such as those in Section 53-1-60 may be sold only after 1:30 p.m.

If there is anything further, do not hesitate to contact me.

Sincerely,

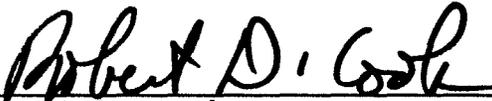


Charles H. Richardson
Assistant Attorney General

CHR/an

Enclosures

REVIEWED AND APPROVED BY:



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