

1976 S.C. Op. Atty. Gen. 152 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4329, 1976 WL 22948

Office of the Attorney General

State of South Carolina

Opinion No. 4329

April 19, 1976

*1 Three members of the South Carolina Commission for the Blind must meet the legal definition of blindness, rather than simply have a visual acuity not exceeding $\frac{20}{200}$.

TO: Henry F. Watts,
State Commissioner for the Blind

QUESTION PRESENTED:

What construction should be placed on the phrase ‘of whom three shall have a visual acuity not to exceed $\frac{20}{200}$ ’, as it appears in South Carolina Code § 71–291?

AUTHORITIES:

§§ 1 and 2, Act 958 of 1966, as last amended by Act 135 of 1975 (S. C. Code §§ 71–291, 71–292 [Supplement]).

82 C.J.S. Statutes, §§ 311, 315 and 316.

Creech v. S. C. Public Service Authority, 200 S.C. 127, 30 S.E.2d 645 (1942).

[Stephens v. Hendricks](#), 226 S.C. 79, 83 S.E.2d 778 (1954).

[McLeod v. Montgomery](#), 244 S.C. 308, 136 S.E.2d 778 (1964).

DISCUSSION:

This question involves the construction of S.C. Code, § 71–291 (1975 Supplement). This code section requires that of the seven members comprising the South Carolina Commission for the Blind, ‘three shall have a visual acuity not to exceed $\frac{20}{200}$,’ whereas ‘blindness’ is more precisely defined in S.C. Code, § 71–292 (1975 Supplement). Code § 71–292 provides in part:

...

(1) ‘Blindness’ is defined as that level of central visual acuity, $\frac{20}{200}$ or less in the better eye with correcting glasses, or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees and which is sufficient to incapacitate him for self-support, or an eighty per cent loss of visual efficiency resulting from visual impairment in more than one function of the eye, including visual acuity for distance and near, visual fields, ocular, mobility, and other ocular functions and disturbances.

...

The issue is whether the requirement is that at least three of the members of the Commission be legally blind, or simply have a visual acuity not exceeding $\frac{20}{200}$.

The purpose of all rules of statutory construction is to discover the true intention of the legislature. 82 C.J.S. Statutes, § 311; Creech v. S. C. Public Service Authority, *supra* 200 S.C. 127, 20 S.E.2d 645. Furthermore, the rules of statutory construction include presumptions against unreasonable or absurd results. Stephens v. Hendricks, *supra*; McLeod v. Montgomery, *supra*.

The South Carolina Commission for the Blind is the state agency charged with providing a wide array of services for the visually handicapped of this State. Hence, the purpose the Legislature had in mind by requiring that three of the Commission's members have a visual impairment would appear to insure minimum consumer representation on the agency's board.

Considering this purpose it would follow that the legislative intent is that at least three of the members be legally blind, rather than the requirement found literally within S. C. Code, § 71-291. To reach the opposite conclusion would be unreasonable. The qualification of 'having a visual acuity not to exceed $\frac{20}{200}$,' by itself as it appears in this code section would allow a person who has an uncorrected visual acuity of $\frac{20}{200}$, correctable to $\frac{20}{20}$ to meet this requirement, but would deny a person who is legally blind because of a field of vision defect this status. Such a construction of statutory definitions in this mechanical fashion leads not only to this unreasonable result, but creates an incongruity in the law, which is impermissible. 82 C.J.S. Statutes, § 315.

CONCLUSION:

*2 It is therefore the opinion of this office that the requirement that three members of the South Carolina Commission for the Blind 'have a visual acuity not to exceed $\frac{20}{200}$ ' can be construed as requiring nothing more or less than that these three members be legally blind as more precisely defined in S. C. Code, § 71-292.

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