

1972 WL 25289 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 20, 1972

**\*1 Re: No. 311—Sunday Observance/Business Open for Inspection**

The Honorable James M. Condon  
State House  
Post Office Box 11225  
Columbia, South Carolina 29211

Dear Representative Condon:

Attorney General McLeod referred to me your request for an opinion on the legality of businesses opening for inspection on Sunday. Generally speaking, Section 64-2, Code of Laws of South Carolina, 1962, as amended and as interpreted by the South Carolina Supreme Court in [State v. Solomon](#), 245 S.C. 550, 141 S.E. 2d 818 (1965) prohibits all business activity except ‘work of necessity or charity’ or work enumerated in Section 2 of Act No. 850 of 1962 as work which may be performed on Sunday. The Court in the Solomon Case found that ‘the purpose and effect of the statute is . . . to set aside a uniform day of rest in furtherance of the State’s legitimate concern for the improvement of the health and general well-being of its citizens.’ [State v. Solomon](#), Id., at page 567. In light of this interpretation of Section 64-2 by the Supreme Court, even the mere opening of a business for inspection on Sunday would constitute a violation of this statute, unless otherwise excepted by statute.

In answer to your specific examples of mobile home lot or real estate open houses or showings, such business activity on Sunday would also be a violation. In the absence of a court decision upholding the necessity of such public showings or inspections, this business practice is part of the normal business activity of selling mobile homes and/or real estate and, therefore, unlawful under Section 64-2 as engaging ‘in worldly work, labor, business of . . . ordinary calling.’ Since an opening for inspection is a part of the ordinary calling, such business practices would be unlawful on Sunday.

Please contact me if I can be of any further assistance.

Sincerely,

Hardwick Stuart, Jr.  
Assistant Attorney General

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