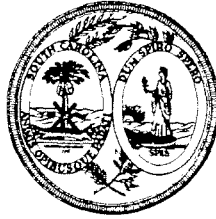


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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

November 28, 2000

Honorable Robert M. Stewart, Chief
South Carolina Law Enforcement Division
Post Office Box 21398
Columbia, South Carolina 29221-1398

Re: Your letter of November 20, 2000
S.C. Code §53-1-160

Dear Chief Stewart:

In your above referenced letter, you have requested an opinion from this office "regarding whether or not a county may suspend the Blue Laws as provided for in *S.C. Code of Laws, Section 53-1-160*, for a temporary period of time or must the time period be permanent."

Section 53-1-160 provides for the "Suspension of Sunday work prohibitions" and states, in pertinent part, as follows:¹

In addition to other exemptions provided by statute, the county governing body may by ordinance suspend the application of the Sunday work prohibitions provided in Chapter 1 of Title 53 in a county which does not qualify for the exemption provided in Section 53-1-150. If the county governing body suspends the application of Sunday work prohibitions, any employee of any business which operates on Sunday under the provisions of this section has the option of refusing

¹ The included portion of §53-1-160 consists of subsection (A) in its entirety. There are additional subsections which have not been included. The omitted subsections do not effect a county government's powers pursuant to the included portion of the statute.

to work in accordance with Section 53-1-100. Any employer who dismisses or demotes an employee because he is a conscientious objector to Sunday work is subject to a civil penalty of treble the damages found by the court or the jury plus court costs and the employee's attorney's fees. The court may order the employer to rehire or reinstate the employee in the same position he was in prior to the dismissal or demotion without forfeiture of compensation, rank, or grade. No proprietor of a retail establishment who is opposed to working on Sunday may be forced by his lessor or franchisor [sic] to open his establishment on Sunday nor may there be discrimination against persons whose regular day of worship is Saturday.

When interpreting the meaning of a statute, a few basic principles must be observed. The primary goal is to ascertain the intent the General Assembly. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). The statute's words must be given their plain and ordinary meaning without resort to a forced or subtle construction which would work to limit or to expand the statutes operation. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991). The clear and unambiguous terms of a statute must be applied according to their literal meaning. State v. Blackmon, supra.

The effect of this statute seems to turn on the meaning of the words "suspension" as used in the title and "suspend" as used in the body of the provision. In an effort to glean the ordinary meaning of the word, I have amassed several definitions of suspend or its derivatives. A few examples are as follows:

Black's law Dictionary - Suspend

To interrupt; to cause to cease for a time; to postpone; to stay, delay, or hinder; to discontinue temporarily, but with an expectation or purpose of resumption. As a form of censure or discipline, to forbid a public officer, attorney, employee, or ecclesiastical person from performing his duties or exercising his functions for a more or less definite interval of time. To postpone, as a judicial sentence...

Black's Law Dictionary - Suspension

A temporary stop, a temporary delay, interruption, or cessation. Thus, we speak of a suspension of the writ of habeas corpus, of a statute, of the power of alienating an estate, of a person in office, etc. A temporary cutting off or debarring one, as from the privileges of one's profession. Temporary

withdrawal or cessation from employment as distinguished from permanent severance accomplished by removal; "removal" being, however, the broader term, which may on occasion include suspension...

...Suspension of a statute. A temporary termination of its power of law. The suspension of a statute for a limited time operates so as to prevent its operation for the time; but it has not the effect of a repeal... (Emphasis added)

Websters 2000 - Suspend

- 1 : to debar temporarily from a privilege, office, or function...
- 2 a : to cause to stop temporarily ... b : **to set aside or make temporarily inoperative <suspend the rules>** (Emphasis added)
- 3 : to defer to a later time on specified conditions...to cease operation temporarily

The American Heritage College Dictionary - Suspend

...To bar for a period from a privilege, office, or position,...to cause to stop for a period; to interrupt...to hold in abeyance; defer...to render temporarily ineffective...

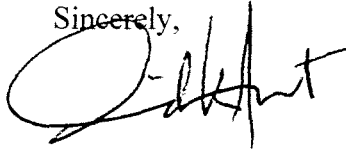
From the common definitions of the word "suspend", it would appear that its use in the statute would allow for the temporary deferment of the State's Blue Laws by a particular County Council. Had the General Assembly intended that only permanent cessations be allowed, words such as "abrogate", "repeal", "rescind", "revoke" or "eliminate" could have been used in the statute. Accordingly, without a specific indication to the contrary, "suspend" or "suspension" can not be interpreted in such a manner as to limit the effect of the statute to situations where a county opts for a permanent enjoining of the Sunday work prohibition.

Further, "[t]his Office has for many years taken the position that the enforcement of the Blue Laws is primarily a local responsibility." See, Atty. Gen. Op. March 28, 1995. The General Assembly's method of dealing with the potential rescission of the Blue Laws (i.e. let the individual counties decide) appears to be consistent with this approach. Such an approach leaves room for the specific county governments to handle the "suspension" of the Blue Laws as they see fit, including the temporary stoppage of the prohibition in certain cases.

Chief Stewart
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I trust that the issues raised by your query have been sufficiently addressed. Should you have additional questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Avant', written over the word 'Sincerely,'.

David K. Avant
Assistant Attorney General

DKA/an