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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

March 22, 2005

The Honorable B. Lee Miller
Municipal Court Judge
Post Office Box 40
Greenwood, South Carolina 29648

Dear Judge Miller:

In a letter to this office you referenced the following scenario:

Subject A has a valid Georgia driver's license, resides in Georgia but is issued a speeding ticket in South Carolina. Subject A shows up for court, pleads guilty but cannot pay the fine. The Court allows Subject A to leave either to obtain money to pay the fine or as a result of a promise to pay at a future date. Subject A fails to return or pay the fine and returns to Georgia.

You have asked whether in such situation, is the Nonresident Violators Compact (NRVC), codified as S.C. Code Ann. §§ 56-25-10 et seq. (Supp. 2004) applicable since Subject A did not fully comply with the traffic citation by paying the required fine.

Section 56-25-20 states:

When a South Carolina court or the driver licensing authority of a compact jurisdiction notifies the department that a resident of South Carolina or person possessing a valid South Carolina driver's license has failed to comply with the terms of a traffic citation...issued in this or any compact jurisdiction, the department may suspend or refuse to renew the person's driver's license if the notice from a South Carolina court or the driver licensing authority of a compact jurisdiction is received no more than twelve months from the date on which the traffic citation...was issued or adjudicated. The license must remain suspended until satisfactory evidence has been furnished to the department of compliance with the terms of the citation...and any further order of the court having jurisdiction in the matter and until a reinstatement fee as provided in

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Section 56-1-390 is paid to the department...Upon notification by a South Carolina court that a nonresident licensed in a compact jurisdiction has failed to comply with the terms of a traffic citation..., the department shall notify the licensing authority in the compact jurisdiction for such action as appropriate under the terms of the compacts. (emphasis added).

Therefore, reference is made to notification by a court of failure to comply with the terms of a citation. In my opinion, the NRVC would be applicable since Subject A did not fully comply with the traffic citation by paying the required fine.

Such construction is consistent with the statement in the Magistrates and Municipal Court Judges Bench Book at pages V-31-V-35 which states:

The effect of the NRVC is that, following the issuance of the uniform traffic ticket for certain moving violations to a person who is licensed in South Carolina, or any other member-jurisdiction, a person who fails to post bond prior to the date of trial, and fails to appear at the time of trial, will be tried in his absence, and if he is found guilty, his driver's license will be suspended until such time as he pays the fine imposed by the court (or otherwise complies with the final order of the court)...Therefore, if a New York driver is stopped for speeding in South Carolina, is issued a ticket, does not post bond prior to trial, does not appear for trial, and is found guilty, his driver's license will be suspended until he pays the fine to the South Carolina court which heard the case...If at any time, the defendant pays the fine imposed by the court, the court will issue a receipt to him which will constitute proof of his compliance with the terms of the traffic citation...Should the defendant fail to pay his fine, even after his license has been suspended, the suspension will continue indefinitely, until he can present proof of compliance.
... (emphasis added).

My conclusion that the NRVC would be applicable where Subject A did not fully comply with the traffic citation by paying the required fine when he appeared in court would be consistent with the determination set forth in the Bench Book regarding suspending the driver's license of a driver until the driver pays the fine imposed by the court in circumstances where the individual fails to appear at the time of trial. There would be no reason to treat a driver who does appear any differently from a driver who fails to appear.

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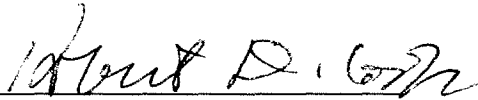
You also questioned whether the NRVC would be applicable if Subject B had a valid South Carolina driver's license and resides in this State and the same scenario set forth above occurs. In my opinion, the NRVC would similarly be applicable when that individual fails to pay the fine imposed by the Court.

Sincerely,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General