



HENRY McMASTER
ATTORNEY GENERAL

November 4, 2009

Mark A. Keel, Director
South Carolina Department of Public Safety
P. O. Box 1993
Blythewood, South Carolina 29016

Dear Mr. Keel:

In a letter to this office you referenced proposed changes to the State uniform traffic ticket and requested approval by this office.

As you indicated, the traffic ticket presently in use directs the cited party to appear before the "trial officer". According to your letter, such designation has been a source of misunderstanding for the general public as they associate the words "trial officer" with the officer who issued the ticket. You have proposed to change "Trial Officer" to "Trial Court" or "Trial Judge" as indicated on the sample proof tickets forwarded to this office. You also proposed making similar adjustments utilizing such language where necessary on the back of the uniform traffic ticket. Upon review of your proposal, this office approves such changes to the uniform traffic ticket.

You also proposed adding a paragraph to the back of the uniform traffic ticket which would reflect an option of posting bond online with a credit card. The following language is proposed:

You may post bond by paying online with a credit card for tickets issued in participating counties and courts. Go to <http://www.sc.gov/Government/court-payments/> to determine if online payments are available....

As I indicated in our telephone conversation, this office in a prior opinion dated July 25, 1989 stated that we were unaware of any State statutes authorizing individuals to post bond by credit card and in the absence of such, we were unable to conclude that credit cards could be used for such purposes. As I stated, S.C. Code Ann. § 14-1-214 authorizes clerks of court, magistrates, and municipal court judges to "...accept payment by credit card or debit card of a fine, fee, assessment, court cost, or other surcharge; and...impose a fee for processing payment by credit card." No provision is made for posting bond by credit card. Such statutory authorization for use of a credit card has been made in other situations. See, e.g., S.C. Code Ann. §§12-4-395 (authorization for

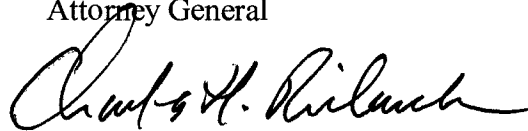
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acceptance by the Department of Revenue for payments by credit card); 12-54-75 (provision for the State Treasurer to authorize a state agency "which collects revenues" to utilize credit cards). Therefore, in the opinion of this office, unless the General Assembly specifically authorizes that bonds may be posted by use of a credit card, such would not be authorized.

If there are any questions, please advise.

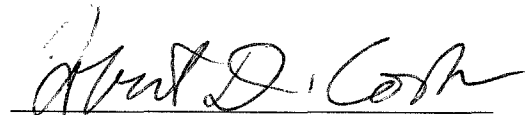
Very truly yours,

Henry McMaster
Attorney General



By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
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