



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

March 25, 1997

Lt. Frank J. Zebedis  
Rock Hill Police Department  
120 East Black Street  
Rock Hill, South Carolina 29730

Re: Informal Opinion

Dear Lt. Zebedis:

You have referenced a problem you are having "involving seatbelt citations and the imposed fines." You state that

[a]ccording to Section 56-5-6540 the fine for a seatbelt violation can be no more than \$10.00. However, our City Judge is advising to set the fine at \$38.00 based upon the authority given to him under Section 14-25-65.

LAW / ANALYSIS

The Seatbelt Law is codified at S.C.Code Ann. Sections 56-5-6510 et seq. Section 56-5-6520 provides that

[t]he driver and every occupant of a motor vehicle, when it is being operated on the public streets and highways of this State, shall wear a fastened safety belt which complies with all provisions of federal law for their use. The driver is charged with the responsibility of requiring each occupant over six and under seventeen years of age to wear a safety belt.

Certain exceptions are provided in Section 56-5-6530.

Section 56-5-6540 provides for the penalties for a violation of the Seatbelt Law. Such Section reads as follows:

(A) A person violating the provisions of this article, upon conviction, must be fined not more than ten dollars, all or part of which may be suspended. No court costs may be assessed against the person convicted. No person may be fined more than twenty dollars for any one incident of one or more violations of the provisions of this article. No custodial arrest for a violation of this article may be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A conviction for violation of this article does not constitute a criminal offense.

(B) A law enforcement officer may not stop a driver for a violation of this article in the absence of another violation of the motor vehicle laws except when the stop is made in conjunction with a driver's license check or registration check conducted at a checkpoint established to stop all drivers on a certain road for a period of time. A citation for a violation of this article must not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

(C) A violation of this article does not constitute negligence per se or contributory negligence and is not admissible as evidence in a civil action.

Several principles of statutory construction are applicable here. First and foremost is the time-honored rule of interpretation that the intent of the Legislature must prevail. State v. Harris, 268 S.C. 117, 232 S.E.2d 231 (1977). Words used should be given their plain and ordinary meaning. Worthington v. Belcher, 274 S.C. 366, 264 S.E.2d 148 (1980). Moreover, a specific statute will generally prevail over a more general one. Gregory v. Rollins, 230 S.C. 269, 95 S.E.2d 487 (1957). Further, penal statutes are to be strictly construed. State v. Cutler, 274 S.C. 376, 264 S.E.2d 420 (1980).

Based upon these rules of statutory construction, I am of the opinion that the literal requirements of Section 56-5-6540 must be followed. Such Section states expressly that no more than a fine of ten dollars may be levied for a violation. This Section further provides that "no court costs may be assessed against the person convicted" and that no person "may be fined more than twenty dollars for any one incident of one or more

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violations of the provisions of this article." In my view, the provisions of Section 14-25-65 which state that whenever the municipal judges finds a party guilty of violating a municipal ordinance or state law within the jurisdiction of the court may impose a fine of not more than \$500 or imprisonment for 30 days, or both are inapplicable to this statute.

As I understand it, there is currently legislation pending which would increase the penalties for a seatbelt violation. If I obtain additional information regarding the progress of this legislation, I will certainly let you know.

This letter is an informal opinion only. It has been written by a designated Assistant Deputy Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kind regards, I am

Very truly yours,



Robert D. Cook  
Assistant Deputy Attorney General

RDC/ph