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The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803-734-3970
FACSIMILE: 803-253-6283

November 15, 1991

R. L. McCurdy, Staff Attorney
South Carolina Court Administration
Post Office Box 50447
Columbia, South Carolina 29250

Dear Mr. McCurdy:

In a letter to this Office you questioned the mode of notice the Highway Department should use when advising an individual of a driver's license revocation or suspension. You referenced that Section 56-1-360 of the Code provides for notice by first class mail while Section 56-1-465 of the Code imposes the requirement of certified mail, return receipt requested.

Section 56-1-350 of the Code states

In all cases of cancellation, suspension or revocation of drivers' licenses, the Department shall notify the licensee as prescribed in Section 56-1-360 that his license has been cancelled, suspended or revoked

Section 56-1-360 provides for notice "by depositing the notice in the United States mail with postage prepaid."

Section 56-1-460 of the Code provides the penalties for driving while a license is cancelled, suspended or revoked. Such provision was enacted pursuant to Section 1 of Act No. 84 of 1987. Also included in such legislation was a

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provision, Section 4, codified as Section 56-1-465 which states

The licensee shall be notified of suspension under Section 56-1-460 the same as is required when the license is suspended due to loss of points as provided in Section 56-1-810.

Section 56-1-810 provides for notice of suspension to be mailed "return receipt requested."

Based upon my review of the above, it appears that unless otherwise excepted the method of notice provided by Section 56-1-360, notice by first class mail, would be the method of advising an individual that his driver's license has been revoked or suspended. An exception to such method would be in the situation where an individual is convicted of driving under suspension pursuant to Section 56-1-460. In such instance, notice must be given by certified mail, return receipt requested.

If there is anything further, please advise.

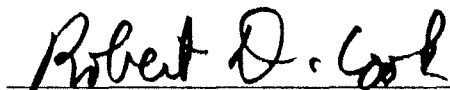
Sincerely,



Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions