

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 6, 1991

The Honorable Hugh K. Leatherman, Sr.
Senator, District No. 31
P. O. Box 5506
Florence, South Carolina 29503

Dear Senator Leatherman:

In a letter to this Office you questioned the practice of issuing traffic citations for the nonuse of safety belts in association with license and registration checks where no other violation occurs.

Enclosed is a copy of a prior opinion of this Office dated October 11, 1990 which states:

a driver may be charged with a violation of the mandatory seat belt law when stopped at an established check point in circumstances where the driver is not cited for any other traffic violation.

Such opinion was based on the construction by this Office of Section 56-5-6540(B) to indicate that two situations authorize charges for mandatory seat belt law violations: a stop at an established check-point for a driver's license or registration check and stopping for a violation of the motor vehicle laws other than the mandatory seat belt law. It was our construction that the portion of Section 56-5-6540(B) which states "(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" should be read in association with the preceding provision which states that a stop may not be made for a mandatory seat belt violation "in the absence of another violation of the motor vehicle laws."

The Honorable Hugh K. Leatherman, Sr.
Page 2
November 6, 1991

With kind regards, I am

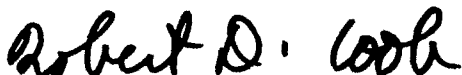
Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/an
Enclosure

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions