

The State of South Carolina

4190 Lib



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

June 5, 1990

Timothy E. Meacham, Esquire
Florence City Attorney
Drawer AA
City-County Complex
Florence, South Carolina 29501-3456

Dear Mr. Meacham:

In a letter to this Office you questioned the effect of Section 56-1-475 of the Code when the time period for suspension of a driver's license has not expired. Such provision states

...(a)ny person whose driver's license has been suspended by the State Department of Highways and Public Transportation who has moved his residence to another State and has obtained a valid driver's license in such state may lawfully operate a motor vehicle within this State after the expiration of the period of time for which his South Carolina driver's license was suspended.

In your memorandum you stated it was your conclusion that

If the time period for suspension had not expired it is clear from Section 56-1-475 that the defendant who is still suspended could not circumvent the statute by obtaining a foreign driver's license, regardless of his residency.

In State v. Venters, ___ S.C. ___, 387 S.E.2d 270 at 272 (1990) the State Supreme Court construed such provision as indicating that

Timothy E. Meacham, Esquire
Page 2
June 5, 1990

...a person who has moved from South Carolina and established a permanent residence in another state is permitted to drive in South Carolina pursuant to a valid driver's license from the other state after the expiration of the fixed suspension period in South Carolina.

Therefore, I am in agreement with your conclusion that expiration of the time period of suspension is critical to an individual's being authorized to drive in this State regardless of the residency of the driver.

With best wishes, I am

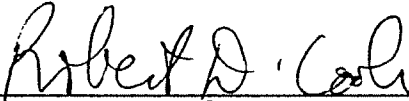
Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/nnw

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions