

The State of South Carolina



Office of the Attorney General

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July 2, 1991

George A. Markert, Assistant Director
South Carolina Court Administration
P. O. Box 50447
Columbia, South Carolina 29250

Dear Mr. Markert:

In a letter to this Office you questioned what fees and assessments should be collected for axle weight violations, as set forth by Section 56-5-4160(B) of the Code, and gross weight violations, Section 56-5-4160(C) of the Code.

Section 56-5-4160(B) states

A person who operates a vehicle on a public highway whose axle weight or tandem axle weight is in excess of the limits imposed by Section 56-5-4130 or 56-5-4140 is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days, or both.

Pursuant to subsection (C)

A person who operates a vehicle found to exceed the excess gross weight limitations imposed by Section 56-5-4130 or 56-5-4140 is guilty of a misdemeanor and, upon conviction, shall pay to the department a fine based on ... (the statutory) ... scale

Pursuant to subsection (E), both violations are within the jurisdiction of the magistrates' courts. Based upon our review, these offenses should be considered moving traffic violations.

Mr. Markert
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Upon review of the assessments which are authorized to be imposed for various offenses and sentences, it appears that the appropriate assessments for the offenses created by Section 56-5-4160 are those authorized by Section 23-23-70, the State Law Enforcement Training Council fee and the Hall of Fame Committee fee, Section 24-23-210, the community corrections assessment, and Section 14-1-210, the local correctional facilities assessment. Reference may be made to the various provisions to determine the appropriate amount to be collected. If a term of imprisonment is imposed, the referenced assessments may not be collected.

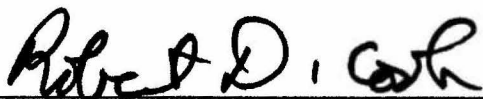
If there is anything further, please advise.

Sincerely,


Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions