

4434 Library

The State of South Carolina



Office of the Attorney General

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April 9, 1992

The Honorable James R. Metts, Ed.D.
Sheriff, Lexington County
P. O. Box 639
Lexington, South Carolina 29071

Dear Jimmy:

In a letter to this Office you questioned the interpretation of Section 53-1-60 of the Code. Such is a provision of this State's "blue laws" which are set out in Sections 53-1-5 et seq. of the Code. Such laws generally prohibit certain activities and sales on Sundays. However, pursuant to Section 53-1-5 "(t)he provisions of this chapter do not apply after the hour of 1:30 p.m. on Sunday."

Section 53-1-50 lists various exceptions to the general prohibition of Sunday sales and operations set forth by Section 53-1-40. Therefore the prohibitions of the blue laws are not applicable to any of the specified permitted sales or operations at any time on Sunday. The 1:30 p.m. designation generally for the blue laws is similarly inapplicable to these permitted sales and operations.

Pursuant to Section 53-1-60 the selling or offering to sell of certain items is expressly prohibited. However such provision further states that "(n)o inference shall arise from the foregoing enumeration that either the sale or the offering for sale on Sunday of items or articles not mentioned is permitted." A prior opinion of this Office dated August 2, 1984 recognized that Section 53-1-60 expressly prohibits the sale or offering to sell of certain named items but, recognizing the language of such provision noted above, such list "is not all-inclusive." The opinion further stated:

Generally, the sale of an item is prohibited as a violation of this State's "blue laws" unless the sale of such item is expressly permitted by Section 53-1-50.

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Another opinion of this Office dated January 31, 1984 noted that while the sale of mobile homes is not specifically prohibited by Section 53-1-60, such sales would violate the "blue laws." That opinion also noted the "no inference" language of Section 53-1-60.

As to your specific question regarding the interpretation of the referenced provision of Section 53-1-60 stating "no inference shall arise", I am in agreement with your statement that for purposes of the "blue laws" if a sale or operation is not specifically excepted or authorized, such as pursuant to Section 53-1-50 or any other statute authorizing an exception, it is not permitted prior to 1:30 p.m. on Sunday.

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