

The State of South Carolina

Library



Office of the Attorney General

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ATTORNEY GENERAL

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May 30, 1985

Lt. Ray Murphy  
Detective Division  
Spartanburg County Sheriff's Office  
Post Office Box 771  
Spartanburg, South Carolina 29304

Dear Lt. Murphy:

In a letter to this Office you questioned whether this State's "blue laws", Sections 53-1-10 et seq. of the 1976 Code of Laws, are applicable to flea markets. Past opinions of this Office, copies of which are enclosed, have generally concluded that the operation of flea markets where items are sold is not permitted unless the items are specifically permitted by Section 53-1-50 to be sold or the sale constitutes a work of necessity or charity. Section 53-1-50 sets forth a specific list of exceptions to the prohibition on Sunday work.

As you are aware, during this session of the General Assembly the "blue laws" have been amended. The legislation, R.130, specifically states pursuant to a provision referenced as Section 53-1-5 that the provisions of Chapter 1 of Title 53 are inapplicable after the hour of 1:30 p.m. on Sunday. 1/ Therefore,

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1/ Another provision of the same legislation completely excludes certain areas of the State from the provisions of Chapter 1 of Title 53. Such provision states that the "blue laws" "... do not apply to any county area, as defined in Section 12-35-730 of the 1976 Code, which collects more than nine hundred thousand dollars in revenues from the tax imposed in Section 12-35-710 of the 1976 Code." It is my understanding that Spartanburg County would not meet this criteria.

REQUEST LETTER

Continuation Sheet Number 2  
To: Lt. Ray Murphy  
May 30, 1985

the previously issued opinions of this Office pertaining to flea markets referenced above remain applicable only between the hours of 12:00 p.m. midnight Saturday until 1:30 p.m. on Sunday. After 1:30 p.m. Sunday, there is no restriction on the operation of flea markets or the items that may be sold.

If there are any questions concerning the above, please contact me.

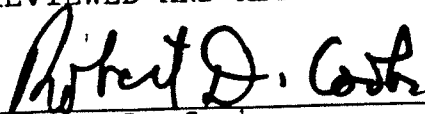
Sincerely,

  
Charles H. Richardson  
Assistant Attorney General

CHR:djg

Enclosures

REVIEWED AND APPROVED BY:

  
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Robert D. Cook  
Executive Assistant for Opinions