

1983 WL 182008 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 26, 1983

***1 RE: [Section 53-1-40](#), Code of Laws for South Carolina (1976), as amended.**

The Honorable Frank Powell
Sheriff
Richland County
1400 Huger Street
Post Office Box 143
Columbia, South Carolina 29201

Dear Sheriff Powell:

Attorney General Medlock has referred your letter, dated August 10, 1983, to me for reply.

You requested an opinion regarding §§ 53-1-10, et seq. of the Code of Laws, commonly known as the Blue Laws, regarding the sale of automobile parts. Specifically, you presented two (2) questions: First, could an automotive parts store engage in its usual business on Sunday, and, second, if allowed to open, would sales be restricted only to those parts necessary for the operation of a motor vehicle, or would accessories be excluded (i.e. mirrors, floor mats, etc.).

[Section 53-1-40](#) of the Code of Laws states that it is unlawful to perform certain occupations on Sunday. Section 53-1-50, as recently amended by the 1983 General Assembly, provides exceptions to the blanket prohibition of the preceeding section. Section 53-1-60 specifically prohibits the sale of certain items on Sunday, and concludes with the following language: No 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.

Regarding the sale of automobile parts, the old statute enacted in 1962, provided in § 53-1-50 as follows:

[Section 53-1-40](#) shall not apply to the following: . . . the installation of repair parts or accessories for immediate use in connection with motor vehicles . . .

And § 53-1-60, in its enumeration of prohibited items, included tools, paint, and hardware.

Opinions of this office, dated July 15, 1980, and April 10, 1979, concluded that an automobile parts store would not be allowed to open for the general sale of automotive parts and accessories on Sunday. The intent of the earlier statute was to allow only for the sale and installation of such automobile parts and accessories as would be immediately needed by a motorist for the repair of an automobile.

On June 16, 1983, amendments to the Blue Laws by the 1983 General Assembly took effect. Section 53-1-50, relating to the sale of automobile parts, was changed to read as follows:

[Section 53-1-40](#) does not apply to the following: . . . (5) . . . purchase or installation of repair parts or accessories for immediate use in cases of emergency in connection with motor vehicles . . . (Emphasis added).

And § 53-1-60, as amended in 1983, still prohibited the sale of tools, paint, and hardware, and concluded with the 'no inference' language cited above.

The conclusion, therefore, would be that an automotive parts store could not engage in the usual business of unlimited sale of automotive parts on Sunday. The 1983 amendments to the statute still require that only such parts may be purchased or installed as required for immediate use in case of emergency regarding a motor vehicle. It is the opinion of this office, further, that the amendments have not enlarged the statute's meaning sufficiently to permit the sale of automotive parts and accessories to the 'weekend mechanic' or other individual who merely desires to purchase them for future needs as they may arise.

*2 The difference between the old statute and the new one would appear to be that, under the former, only installation was allowed, which would assume purchase of a part from the garage or service station that performed its installation. Under the new law, purchase of a part is also allowed, allowing a person to buy a repair part from one business for installation by another or himself.

Regarding your second question, while accessories are mentioned, it is the opinion of this office that they could only be sold if required for 'immediate use in cases of emergency in connection with motor vehicles.' For example, a mirror might be allowed because it is required by state law as a safety measure. However, such items as floor mats, not required for immediate use of a motor vehicle, would not be allowed. The determination of whether or not an accessory may be sold must be made on a case-by-case basis.

You have also provided this office a letter from Attorney Edward M. Woodward, Jr. to Captain Jim McCaulley of your office. It would not be proper for this office to comment upon the procedure suggested by Mr. Woodward, since we are not in a position to advise private individuals or their counsel.

Sincerely yours,

James G. Bogle
Assistant Attorney General

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