

1977 S.C. Op. Atty. Gen. 197 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-265, 1977 WL 24606

Office of the Attorney General

State of South Carolina

Opinion No. 77-265

August 23, 1977

**\*1 RE: Does Rule 92 of the Circuit Court Rules abrogate the Section 15–49–30 of the South Carolina Code of Laws establishing a five dollar handling charge on a petition for a change of name?**

TO: Joseph M. McCulloch, Jr.  
South Carolina Court Administration

DISCUSSION:

As stated in an opinion of this office of June 28, 1977, the Constitution in Article V Section 4 mandates a unified judicial system within the state. The opinion further stated:

This constitutional provision and the court's decisions firmly establish the policy that the judicial system throughout the State be the same from one county to another. The unified court system mandate clearly destroys any rational basis for a classification that would allow one county to have a different fee schedule than another for the same services.

Rule 92 of the Circuit Court Rules along with the June 28 opinion were issued to correct the contradictory fee schedules throughout the State for those services enumerated in Section 14–19–20 of the Code of Laws of South Carolina (1976). Rule 92 sought to correct the differing monetary amounts collected in different counties for the same services. The set fee established by Rule 92 was promulgated to fulfill the mandate of a uniform and efficient judicial system.

Section 15–49–30 of the Code dealing with the fee for the duties of the clerk can be distinguished on two points. First, it is a statewide fee of five dollars for the handling of a name change. It does not violate the constitutional and statutory provisions for a uniform judicial system, as there is no variation in the fee collected from county to county.

Secondly, the fee collected in Section 15–49–30 is not a fee for any service enumerated under Section 14–19–20 as set out in Rule 92.

Since Section 15–49–30 is a uniform fee throughout the State and is not a service in conflict with Rule 92 of the Circuit Court Rules, Section 15–49–30 is to be followed in those proceedings involving a change of name.

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