

1979 WL 43013 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 21, 1979

\*1 Billy S. McCoy  
300 County Home Rd.  
Anderson, S.C. 29621

Dear Mr. McCoy:

You have inquired as to whether imprisonment for a conviction of driving under the influence and the suspension of your driver's license constitutes being punished twice for the same offense.

Enclosed please find a copy of [Section 56-5-2990 of the 1976 Code](#) of Laws which authorizes the State Highway Department to suspend the driver's licenses of a person convicted of driving under the influence. The South Carolina Supreme Court has determined that the suspension provided by the referenced section is civil and not criminal and therefore constitutes no part of the punishment nor is it added punishment for the offense committed. See [Parker v. State Highway Department](#), 224 S.C. 263 (1953); [Brewer v. South Carolina State Highway Department](#), 261 S.C. 52 (1973).

As to your remaining question as to whether certain questions posed by potential employers to a job applicant concerning prior criminal records is 'an infringement on an individual's right to privacy as described in the Federal Privacy Act,' this appears to be a matter as to which a private attorney could better advise you.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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