

1978 WL 35201 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 2, 1978

*1 The Honorable W. F. Turner, Jr.
Mayor
Town of Pine Ridge
1015 Fish Hatchery Road
West Columbia, South Carolina 29169

Dear Mayor Turner:

You have made inquiry of our Office as to whether a municipal officer has the authority to conduct a driver's license check by standing in the road and stopping all passing cars. The only instances in which any stopping of cars might be constitutionally invalid would be where such was made without reasonable suspicion that a law had been violated or was not part of some police administrative activity related to the highways and operation of vehicles thereon. [South Dakota v. Opperman](#), 428 U.S. 364, 367, n. 5 (1976); [Cady v. Dombrowski](#), 413 U.S. 433, 442 (1973); [United States v. Martinez-Fuerte](#), 428 U.S. 543, 561 (1977); [United States v. Brigoni-Ponce](#), 422 U.S. 873, 883, n. 8 (1975); [Terry v. Ohio](#), 392 U.S. 1 (1968); [Adams v. Williams](#), 407 U.S. 143 (1972). Otherwise, such brief detentions are completely legal. In the situation of which you have inquired, the stopping of cars to conduct a driver's license check would be a valid police administrative activity related to the operation of vehicles upon the highways of the State. Therefore, at present such routine stops of automobiles would be completely legal. You should note, however, that at present a case is being argued before the United States Supreme Court upon the very issue which you have inquired, concerning whether it is valid for police officers to make random stops of vehicles to check for drivers' licenses, safety defects, etc. The Court's decision in this case could possibly alter the law in this area and affect the legality of such routine stops.

Sincerely yours,

Robert N. Wells, Jr.
Assistant Attorney General

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