

1975 WL 29582 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 11, 1975

*1 Mr. W. E. Jenkinson, Esq.
County Attorney
120 W. Main Street
Kingstree, SC 29556

Dear Mr. Jenkinson:

Please disregard the letter of January 30, 1975, concerning the application of Section 3-403(1) of the new Consumer Protection Code. After looking further at the question posed in your letter regarding the procurement of loans by assignment of teachers salaries my conclusion is somewhat different.

It is now my opinion that Section 3-403(1) is not violated and does not prohibit an employee from authorizing deductions from his earnings if such authorization is revocable. The agreement form attached to your letter provides that the employee's check will be made out in the name of the lender as well as the employee and this creates an automatic power of revocation in the employee which can be exercised at any time during the term of the agreement.

I therefore conclude that Section 3-403(1) prohibits full assignment of wages and not revocable deductions which constitute only a portion of the over-all wages earned by the employee.

I hope that this will satisfy all inquiries into this matter. It was a pleasure to talk with you again.

Sincerely,

Jerry M. Screen
Legal Assistant
Patricia O. Brehmer
Assistant Attorney General

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