

1974 WL 27452 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 19, 1974

**\*1 In Re: DUS and DUI Convictions In Circuit and County Courts—Reporting to SCHD**

Honorable John Grimball  
Resident Judge  
County Courthouse  
Columbia, South Carolina

Dear Judge Grimball:

Since receipt of your letter of June 17, I have re-read my memorandum to the Clerks of Court—and I can see that it is not crystal clear in expressing what I had in mind at the time.

Insofar as the clerks are concerned, this Office is not on a campaign to see that Section 46-347 is enforced, nor is it our wish to change any particular procedure followed by any circuit or county judge.

The subject memorandum was written because of complaints from several circuit and county judges that the Highway Department had not placed driver license suspensions in effect until official notice of conviction was received on the records copy of the uniform traffic ticket—which was in some cases months or even years after the conviction. Many police agencies do not account to the Department for uniform traffic tickets until long after they are used, and some never account for them at all.

The gist of the complaints of three judges were that it was not fair for a defendant to be led to believe that the suspension of his license had begun when he surrendered his driver license in court, whereas the suspension could not be effected by the Department until receipt of official notice of conviction. [State v. Chavis \(SC\)](#), 200 S.E.2d 390, 261 S.C. 408.

My memorandum to the Clerks was designed solely to remind them that they could remedy the situation about which complaint had been made by making separate and independent reports of DUI and DUS convictions to the Highway Department in accordance with Section 46-347, rather than depending upon the arresting officer to make the report by accounting for the records copy of the uniform traffic ticket.

Another reason for the desirability of independent reports from Clerks of Court is the little-known fact that there is no accountability enforcement for uniform traffic tickets. A trial judge or clerk of court has no way of knowing that a plea or conviction for DUI or DUS will ever be reported to the Department by the arresting officer. The Highway Patrol has its own internal auditing procedure, so there is no reporting problem with Patrol cases; but, with other police agencies, accounting for uniform traffic tickets is on a voluntary basis. I'm sure that you can see the potential for fraud in such a situation—plus the large number of convictions never reported because of simple negligence.

Sincerely,

Joseph C. Coleman  
Deputy Attorney General

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