CHAPTER 7

Traffic Tickets

**SECTION 56‑7‑10.** Use of uniform traffic ticket; vesting of jurisdiction; forms; utilization of electronic devices.

 (A) There will be a uniform traffic ticket used by all law enforcement officers in arrests for traffic offenses and for the following additional offenses:

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
|   | Offense | Citation |   |
|   | Interfering with Police Officer Serving Process | Section 16‑5‑50 |   |
|   | Dumping Trash on Highway/Private Property | Section 16‑11‑700 |   |
|   | Indecent Exposure | Section 16‑15‑130 |   |
|   | Disorderly Conduct | Section 16‑17‑530 |   |
|   | Damaging Highway | Section 57‑7‑10 |   |
|   | Place Glass, Nails, Etc. on Highway | Section 57‑7‑20 |   |
|   | Obstruction of Highway by Railroad Cars, Etc. | Section 57‑7‑240 |   |
|   | Signs Permitted on Interstate | Section 57‑25‑140 |   |
|   | Brown Bagging | Section 61‑5‑20 |   |
|   | Drinking Liquors in Public Conveyance | Section 61‑13‑360 |   |
|   | Poles Dragging on Highway | Section 57‑7‑80 |   |
|   | Open Container | Section 61‑9‑87 |   |
|   | Purchase or Possession of Beer or Wine by a Person Under Age | Section 63‑19‑2440 |   |
|   | Purchase or Possession of Alcoholic Liquor by a Person Under Age Twenty‑One | Section 63‑19‑2450 |   |
|   | Unlawful Possession and Consumption of Alcoholic Liquors | Section 61‑5‑30 |   |
|   | Sale of Beer or Wine on Which Tax Has Not Been Paid | Section 61‑9‑20 |   |
|   | Falsification of Age to Purchase Beer or Wine | Section 61‑9‑50 |   |
|   | Unlawful Purchase of Beer or Wine for a Person Who Cannot Legally Buy | Section 61‑9‑60 |   |
|   | Unlawful Sale or Purchase of Beer or Wine, Giving False Information as to Age, Buying Beer or Wine Unlawfully for Another | Section 61‑9‑85 |   |
|   | Employment of a Person Under the Age of Twenty‑One as an Employee in Retail or Wholesale or Manufacturing Liquor Business | Section 61‑13‑340 |   |
|   | Failure to Remove Doors from Abandoned Refrigerators | Section 16‑3‑1010 |   |
|   | Malicious Injury to Animals or Personal Property | Section 16‑11‑510 |   |
|   | Timber, Logs, or Lumber Cutting, Removing, Transporting Without Permission, Valued at Less Than Fifty Dollars | Section 16‑11‑580 |   |
|   | Littering | Section 16‑11‑700 |   |
|   | Larceny of a Bicycle Valued at Less Than One Hundred Dollars | Section 16‑13‑80 |   |
|   | Shoplifting | Section 16‑13‑110 |   |
|   | Cock Fighting | Section 16‑17‑650 |   |
|   | Ticket Scalping | Section 16‑17‑710 |   |
|   | Domestic Violence, second and third degree | Section 16‑25‑20 |   |
|   | Glue Sniffing | Section 44‑53‑1110 |   |
|   | Trespassing | Section 16‑11‑755 |   |
|   | Trespassing | Section 16‑11‑600 |   |
|   | Trespassing | Section 16‑11‑610 |   |
|   | Trespassing | Section 16‑11‑620 |   |
|   | Negligent Operation of Watercraft; Operation of Watercraft While Under Influence of Alcohol or Drugs | Section 50‑21‑110 |   |
|   | Negligence of Boat Livery to Provide Proper Equipment and Registration | Section 50‑21‑120 |   |
|   | Interference with Aids to Navigation or Regulatory Markers or Operation of Watercraft in Prohibited Area | Section 50‑21‑170 |   |
|   | Operation of Watercraft Without a Certificate of Title | Section 50‑23‑190 |   |
|   | Parking on private property without permission | Section 16‑11‑760 |   |
|   | Certificate of Veterinary Inspection; Requirement for Out‑of‑State Livestock or Poultry | Section 47‑4‑60 |   |
|   | Inhibition of Livestock Inspection | Section 47‑4‑120 |   |
|   | Imported Swine | Section 47‑6‑50 |   |
|   | Operating Equine Sales Facility or Livestock Market Without Permit | Section 47‑11‑20 |   |
|   | Liability of Person Removing Livestock for Slaughter | Section 47‑11‑120 |   |
|   | Notice to Disinfect | Section 47‑13‑310 |   |
|   | Quarantine of Livestock or Poultry | Section 47‑4‑70 |   |
|   | Unlawful for Horse to Enter State Unless Tested | Section 47‑13‑1350 |   |
|   | Quarantine of Exposed Horses | Section 47‑13‑1360 |   |
|   | Proof of Test Required for Public Assembly of Horses | Section 47‑13‑1370 |   |
|   | False Certificates | Section 47‑13‑1390 |   |
|   | Unlawful to Feed Garbage to Swine | Section 47‑15‑20 |   |
|   | Notification Required from Certain Persons Disposing of Garbage | Section 47‑15‑40 |   |
|   | Sale of Uninspected Meat and Meat Products | Section 47‑17‑60 |   |
|   | Sale of Uninspected Poultry and Poultry Product | Section 47‑19‑70 |   |

 (B) In addition to the offenses contained in subsection (A), a uniform traffic ticket may be used in an arrest for a misdemeanor offense within the jurisdiction of magistrates court that has been freshly committed or is committed in the presence of a law enforcement officer.

 (C) No other ticket may be used for these offenses. The service of the uniform traffic ticket shall vest all traffic, recorders’, and magistrates’ courts with jurisdiction to hear and to dispose of the charge for which the ticket was issued and served. This ticket will be designed by the department and approved by the Attorney General within thirty days of submission by the department. A law enforcement agency may utilize computers and other electronic devices to issue uniform traffic citations and store information resulting from the issuance of a traffic citation if this method of issuing a citation has been approved by the Department of Public Safety.

HISTORY: 1962 Code Section 46‑871; 1967 (55) 203; 1971 (57) 474; 1980 Act No. 353, Section 1; 1984 Act No. 467; 1985 Act No. 158, Section 1; 1987 Act No. 185 Section 2; 1993 Act No. 181, Section 1468; 1996 Act No; 459, Section 214; 2003 Act No. 54, Section 2; 2005 Act No. 68, Section 1, eff May 23, 2005; 2013 Act No. 78, Section 1, eff June 13, 2013; 2015 Act No. 58 (S.3), Pt II, Section 8, eff June 4, 2015.

CROSS REFERENCES

Liability for municipal parking or traffic violations, see Section 56‑5‑715.

Penalty for failure to appear in court as required by uniform traffic citation, see Section 56‑25‑40.

Release on personal recognizance of person receiving uniform traffic citation, see Section 56‑25‑30.

State Uniform Traffic Summons tickets, private security, see S.C. Code of Regulations R. 73‑413.

Library References

Automobiles 351.1.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1506, 1537, 1558 to 1563, 1602 to 1605, 1649, 1677, 1690 to 1691, 1700, 1712, 1722, 1730, 1736, 1745 to 1747, 1750 to 1751, 1754.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Automobiles and Other Motor Vehicles Section 199, Jurisdiction.

S.C. Jur. Automobiles and Other Motor Vehicles Section 201, Traffic Tickets.

S.C. Jur. Magistrates and Municipal Judges Section 22, Jurisdiction.

Attorney General’s Opinions

Discussion of the legality of counties and municipalities issuing tickets for traffic and other offenses under local ordinances as opposed to the Uniform Act Regulating Traffic on Highways. S.C. Op.Atty.Gen. (November 18, 2013) 2013 WL 6337704.

Discussion of the legality of municipalities setting their own fines for speeding violations as opposed to the penalties set forth in the Uniform Act Regulating Traffic on Highways. S.C. Op.Atty.Gen. (November 18, 2013) 2013 WL 6210746.

Federal law enforcement officers, such as Rangers, while possessing limited State law enforcement authority under Section 23‑1‑212, would otherwise not be considered “law enforcement officers” with authority to issue Uniform Traffic Tickets on federal property pursuant to Section 56‑7‑10. S.C. Op.Atty.Gen. (April 18, 2013) 2013 WL 1803940.

The Uniform Traffic Ticket serves as a valid charging document to give the magistrate’s and municipal court jurisdiction over a misdemeanor charge of shoplifting. The UTT may be used to charge an individual for shoplifting even if the investigating law enforcement officer arrives on the scene after the offense has been committed. So long as the officer has probable cause to believe that the offense of shoplifting has been freshly committed, the officer may make the charge by way of a UTT and such ticket would bestow jurisdiction upon the magistrate’s or municipal court over the case. S.C. Op.Atty.Gen. (May 2, 2012) 2012 WL 1774919.

Judicial officers and non‑judicial support personnel of the municipal court would not be authorized to issue a Uniform Traffic Ticket. Further, there is no authority that allows judicial officers or any municipal court personnel to sign the name of an absent law enforcement officer on a UTT to reflect the reduced a charge as a result of a plea bargain. When the original charge is lawfully dropped and a new charge substituted, the original UTT should be nol prossed by the prosecutor and another UTT issued by a law enforcement officer to reflect the second charge. A bailiff, who is also a Class 3 officer under the supervision and management of the municipal court rather than the Department, would not appear to be authorized to issue a UTT on behalf of the Department. Class 3 officers do not have full police custodial powers and are limited in their law enforcement authority consistent with Regulations, statutory law, and the scope of their commission. S.C. Op.Atty.Gen. (April 19, 2012) 2012 WL 1561867.

A registered private security officer is a law enforcement officer for purposes of issuing a Uniform Traffic Ticket for violations enumerated in Section 56‑7‑10 on private roads which are properly brought under the Uniform Act Regulating Traffic. The registered private security officer must use a UTT when citing for violations enumerated in Section 56‑7‑10. A homeowners’ association administrative ticket may not be substituted for a UTT by a registered private security officer for these statutory traffic offenses. Moreover, a registered private security officer may not issue a UTT for a violation of a private traffic policy of the homeowners’ association, since such a violation would fit none of the categories set forth in Section 56‑7‑10. S.C. Op.Atty.Gen. (March 21, 2012) 2012 WL 1036298.

A municipality is required to use a uniform traffic ticket when citing for municipal ordinance violations dealing with traffic offenses, and may not use a municipal ordinance summons in such situation. S.C. Op.Atty.Gen. (June 15, 2011) 2011 WL 2648722.

When issuing a citation for traffic offenses, a municipality is required to use the uniform traffic ticket. However, a municipal ordinance summons is presumed valid where the municipality and its officers were acting in good faith. S.C. Op.Atty.Gen. (November 14, 2006) 2006 WL 3522438.

A uniform traffic ticket is not typically used to arrest for the use of a fraudulent check. S.C. Op.Atty.Gen. (March 15, 2006) 2006 WL 703689.

A uniform traffic summons can serve as the charging document for the offense of criminal domestic violence. The preference of a judge for a warrant cannot supersede the use of a traffic ticket, where the use of the traffic ticket has been specifically authorized by statute. S.C. Op.Atty.Gen. (January 4, 2006) 2006 WL 148717.

A registered security guard may issue a uniform traffic ticket on the private property on which he is employed. S.C. Op.Atty.Gen. (February 22, 2005) 2005 WL 469069.

The violation of a condition of a bond is not basis for the issuance of a uniform traffic ticket. S.C. Op.Atty.Gen. (December 6, 2004) 2004 WL 3058232.

An animal control officer cannot issue a uniform traffic ticket. S.C. Op.Atty.Gen. (December 2, 2004) 2004 WL 3058240.

A properly licensed security guard qualifies as a law enforcement officer for the purposes of this section and may issue uniform traffic tickets to effectuate arrests on the property on which he is employed. S.C. Op.Atty.Gen. (October 15, 2004) 2004 WL 2451473.

A uniform traffic ticket may be issued for any offense if committed in the presence of an officer. S.C. Op.Atty.Gen. (January 6, 2004) 2004 WL 113634.

The uniform traffic ticket can be used as the charging document for any offense under the jurisdiction of the magistrate’s or municipal court. S.C. Op.Atty.Gen. (November 13, 2003) 2003 WL 22862788.

For any municipal ordinance pertaining to traffic or motor vehicle offenses, a uniform traffic ticket must be used. S.C. Op.Atty.Gen. (October 15, 2003) 2003 WL 22682947.

A city solicitor is not authorized to issue a uniform traffic ticket. S.C. Op.Atty.Gen. (January 11, 2001) 2001 WL 129340.

County Code Enforcement Officers are not entitled to use the State Uniform Traffic Ticket, and therefore are not allowed to enforce any state laws. S.C. Op.Atty.Gen. (November 8, 2000) 2000 WL 1803586.

Code Enforcement Officers are not law enforcement officers for the purposes of issuing uniform traffic tickets, and are therefore not allowed to enforce any state laws. S.C. Op.Atty.Gen. (October 10, 2000) 2000 WL 1803600.

Whether an officer may use the ticket book of another officer is a matter of policy for each police department and is not statutorily regulated. S.C. Op.Atty.Gen. (September 15, 2000) 2000 WL 1478796.

A magistrate or municipal court is granted jurisdiction where an officer has probable cause to believe that a misdemeanor has been recently committed and subsequently issues a uniform traffic ticket. S.C. Op.Atty.Gen. (May 21, 1997) 1997 WL 323776.

Where the uniform traffic ticket is applicable, it can be used to vest jurisdiction in a magistrate’s and municipal court. S.C. Op.Atty.Gen. (October 24, 1995) 1995 WL 805835.

The uniform traffic ticket cannot be used for violations of state law. S.C. Op.Atty.Gen. (November 7, 1994) 1994 WL 703274.

Authorizing business and commercial establishments to issue uniform citations for violations of the prescribed use of handicapped‑only parking spaces, without any specification of standards which must be met or followed in such enforcement, may be deemed by a court to constitute an unlawful delegation of authority. S.C. Op.Atty.Gen. (March 4, 1992) 1992 WL 682788.

A litter control officer should use the uniform arrest warrant, not the uniform traffic ticket unless the violation occurred in the presence of the officer. S.C. Op.Atty.Gen. (December 10, 1990) 1990 WL 599348.

Offense, including municipal ordinance violation, committed in presence of law enforcement officer and which is within jurisdiction of magistrate’s court and municipal court may be cited on uniform traffic ticket. Use of uniform traffic ticket by officer would confer upon court jurisdiction without necessity of further obtaining arrest warrant. S.C. Op.Atty.Gen. (August 17, 1990) 1990 WL 482435.

State Department of Highways and Public Transportation could include in uniform point system only those offenses against motor vehicle traffic laws or ordinances contained in Section 56‑1‑740 and as determined by Highway Department. S.C. Op.Atty.Gen. (August 17, 1990) 1990 WL 482435.

The uniform traffic ticket may not be used for citing violations of county and municipal ordinances. S.C. Op.Atty.Gen. (April 25, 1989) 1989 WL 406140.

Either a uniform traffic ticket or an arrest warrant may be used for citing the criminal offenses listed in Section 56‑7‑10. S.C. Op.Atty.Gen. (April 9, 1986) 1986 WL 192007.

Section 56‑7‑10 provides for a uniform traffic ticket used by all law enforcement officers, and the uniform ticket is for traffic offenses only. S.C. Op.Atty.Gen. (June 21, 1977) 1977 WL 24533.

The issuance of a uniform traffic ticket to any person confers jurisdiction upon a magistrate without issuance of a further arrest warrant; however, for arrests other than traffic violations, the Court does not have jurisdiction until an arrest warrant has been issued and served. S.C. Op.Atty.Gen. (April 27, 1977) 1977 WL 24464.

A State Highway Patrolman need not obtain an arrest warrant before arresting a person for disorderly conduct. S.C. Op.Atty.Gen. (November 12, 1976) 1976 WL 23135.

The issuance of a traffic summons by a law‑enforcement officer is sufficient to confer jurisdiction upon the magistrate where the patrolman either takes the accused before a magistrate or incarcerates him and an arrest warrant need not be obtained. S.C. Op.Atty.Gen. (March 1, 1972) 1972 WL 21430.

NOTES OF DECISIONS

In general 1

Construction with other laws 2

Jurisdiction 3

Necessity of warrant 4

1. In general

The issuance of a uniform traffic ticket vests jurisdiction in the traffic court, even when the officer did not personally see the accused person commit the offense with which he is charged. State v. Biehl (S.C. 1978) 271 S.C. 201, 246 S.E.2d 859.

The statutory offense of reckless driving is not a lesser offense included within the statutory offense of driving under the influence of intoxicating liquors, but the two are separate and distinct offenses, each involving necessary elements of proof not included in the other. State v. Fennell (S.C. 1974) 263 S.C. 216, 209 S.E.2d 433.

This section vests the magistrate’s court with jurisdiction of a ticketed traffic offender’s person despite the lack of an arrest warrant. State v. Prince (S.C. 1974) 262 S.C. 89, 202 S.E.2d 645.

2. Construction with other laws

The uniform traffic ticket statute does not repeal Section 22‑3‑710, relating to the commencement of actions before magistrates in criminal cases; Section 56‑7‑10 merely provides a method of acquiring jurisdiction in traffic cases tried in all traffic courts. State v. Biehl (S.C. 1978) 271 S.C. 201, 246 S.E.2d 859.

3. Jurisdiction

It is not the service of the uniform traffic ticket that confers subject matter jurisdiction to the magistrate in criminal cases, but, rather, the General Assembly’s purposeful identification of certain offenses for which the magistrate is authorized to hear. Bayly v. State (S.C. 2012) 397 S.C. 290, 724 S.E.2d 182. Criminal Law 99

Statute authorizing the use of uniform traffic tickets to effect arrests expands general jurisdiction of the magistrate court by identifying certain offenses beyond the limits of the statute settling forth its general jurisdiction, and eliminates the need for an arrest warrant and authorizes the use of a uniform traffic ticket to notify an accused and commence judicial proceedings in the magistrate court. Bayly v. State (S.C. 2012) 397 S.C. 290, 724 S.E.2d 182. Criminal Law 99

4. Necessity of warrant

If an offense is a traffic offense or is listed in the statute governing the use of uniform traffic tickets, an officer may make an arrest with a uniform traffic ticket, and the state may proceed to trial in the magistrate court without an arrest warrant. State v. Ramsey (S.C.App. 2012) 398 S.C. 275, 727 S.E.2d 429, affirmed 409 S.C. 206, 762 S.E.2d 15, rehearing denied. Automobiles 349(15); Automobiles 351.1

There are three categories of offenses for which the state may use a uniform traffic ticket instead of an arrest warrant to commence proceedings in the magistrate court: (1) traffic offenses; (2) offenses specifically statutorily enumerated; and (3) offenses within the subject matter jurisdiction of the magistrate court that are committed in the presence of a law enforcement officer. State v. Ramsey (S.C.App. 2012) 398 S.C. 275, 727 S.E.2d 429, affirmed 409 S.C. 206, 762 S.E.2d 15, rehearing denied. Automobiles 351.1; Criminal Law 216

**SECTION 56‑7‑12.** Verification of insurance coverage upon issuance of traffic ticket; form; penalty.

 (A) When the operator or owner of an individual private passenger automobile as defined in Section 38‑77‑30(5.5) is issued a traffic ticket for a moving violation by a law enforcement officer, he may be furnished a written request form to be completed by him and his insurance company or the agent issuing the policy to verify liability insurance coverage. The form must be prescribed by the Department of Motor Vehicles and the Department of Public Safety.

 (B) The completed and verified form must be returned by the operator or owner to the local law enforcement agency issuing the traffic ticket within fifteen days from the date he receives it. Failure to return the form verified in the proper manner is prima facie evidence that the vehicle was uninsured.

 (C) The director or his designee of the department shall waive the reinstatement fee or per diem fine, or both, imposed upon the owner or operator of the motor vehicle pursuant to this section for his failure to complete and return the insurance verification form if he has liability insurance coverage when determined to be uninsured by the department. The Department of Motor Vehicles shall document its reasons for waiving the fees or fines in the records of the department.

 (D) No person knowingly may furnish or aid another in the submission of false or misleading information in the completed and verified form. A person who knowingly furnishes or aids another in submitting false or misleading information regarding the verification of liability insurance is subject to the penalties in Section 56‑10‑260.

 (E) This section applies only to owners and operators of motor vehicles registered under the laws of South Carolina.

 (F) Motor vehicles determined to be uninsured under this section are subject to Sections 56‑10‑240 and 56‑10‑245.

 (G) The operator of the motor vehicle shall present the written request form for verification of liability insurance coverage to the owner of the vehicle. Failure by the operator to give the form to the owner is prima facie evidence that the operator knowingly furnished false and misleading information to the department.

 However, the form must have the following sentence on its face in bold type, all capitals, and large print: “THE OWNER OR OPERATOR OF A MOTOR VEHICLE WHO IS ISSUED THIS FORM SHALL COMPLETE AND RETURN THE FORM TO THE ISSUING AGENCY WITHIN FIFTEEN DAYS OR IS SUBJECT TO A TWO HUNDRED DOLLAR REINSTATEMENT FEE AND FIVE DOLLAR A DAY FINE PURSUANT TO SOUTH CAROLINA LAW. IF YOU ARE NOT THE OWNER OF THE MOTOR VEHICLE, YOU SHALL PRESENT THIS FORM TO THE OWNER OR YOU ARE SUBJECT TO FINE AND IMPRISONMENT.” The officer shall read aloud this sentence to the owner or operator of the motor vehicle upon furnishing the written request form to verify liability insurance coverage.

HISTORY: 1993 Act No. 113, Section 2; 1996 Act No. 459, Section 215.

Library References

Automobiles 144.2(7).

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 385 to 386, 389 to 390, 414.

**SECTION 56‑7‑15.** Use of uniform traffic ticket for offense committed in officer’s presence; domestic violence arrests and incident report.

 (A) The uniform traffic ticket, established pursuant to the provisions of Section 56‑7‑10, may be used by law enforcement officers to arrest a person for an offense that has been freshly committed or is committed in the presence of a law enforcement officer if the punishment is within the jurisdiction of magistrates court and municipal court. A law enforcement agency processing an arrest made pursuant to this section must furnish the information to the State Law Enforcement Division as required in Chapter 3, Title 23.

 (B) An officer who effects an arrest, by use of a uniform traffic ticket, for a violation of Chapter 25, Title 16 or Section 16‑13‑110 shall complete and file an incident report immediately following the issuance of the uniform traffic ticket.

 (C) The issuance of a uniform traffic ticket alleging the violation of Section 56‑5‑2770 is not subject to the provisions of this section.

HISTORY: 1990 Act No. 601, Section 1; 2003 Act No. 92, Section 5; 2005 Act No. 166, Section 15, eff January 1, 2006; 2013 Act No. 78, Section 2, eff June 13, 2013; 2014 Act No. 274 (H.5014), Section 5, eff June 9, 2014.

CROSS REFERENCES

State Uniform Traffic Summons tickets, private security, see S.C. Code of Regulations R. 73‑413.

Library References

Automobiles 349(15), 351.1.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1506, 1515, 1517, 1519 to 1521, 1523 to 1524, 1537, 1558 to 1563, 1602 to 1605, 1649, 1677, 1690 to 1691, 1700, 1712, 1722, 1730, 1736, 1745 to 1747, 1750 to 1751, 1754.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Automobiles and Other Motor Vehicles Section 201, Traffic Tickets.

S.C. Jur. Magistrates and Municipal Judges Section 22, Jurisdiction.

Attorney General’s Opinions

While law enforcement should generally use the uniform parking violations ticket for the unlawful use of a handicapped parking spot, it appears law enforcement is not prohibited from using a uniform traffic ticket for such violations under Section (A) which are committed within the officer’s presence since pursuant to Section 56‑3‑1970(D) such violations are within the jurisdiction of the summary courts. S.C. Op.Atty.Gen. (June 18, 2013) 2013 WL 3243066.

Federal law enforcement officers, such as Rangers, while possessing limited State law enforcement authority under Section 23‑1‑212, would otherwise not be considered “law enforcement officers” with authority to issue Uniform Traffic Tickets on federal property pursuant to Section 56‑7‑10. S.C. Op.Atty.Gen. (April 18, 2013) 2013 WL 1803940.

Judicial officers and non‑judicial support personnel of the municipal court would not be authorized to issue a Uniform Traffic Ticket. Further, there is no authority that allows judicial officers or any municipal court personnel to sign the name of an absent law enforcement officer on a UTT to reflect the reduced a charge as a result of a plea bargain. When the original charge is lawfully dropped and a new charge substituted, the original UTT should be nol prossed by the prosecutor and another UTT issued by a law enforcement officer to reflect the second charge. A bailiff, who is also a Class 3 officer under the supervision and management of the municipal court rather than the Department, would not appear to be authorized to issue a UTT on behalf of the Department. Class 3 officers do not have full police custodial powers and are limited in their law enforcement authority consistent with Regulations, statutory law, and the scope of their commission. S.C. Op.Atty.Gen. (April 19, 2012) 2012 WL 1561867.

A uniform traffic ticket could possibly be used by “a fire chief or his designee” to enforce the rules or regulations adopted pertaining to the Irmo Fire District, assuming that the penalties are within the jurisdiction of a magistrate or municipal court judge. S.C. Op.Atty.Gen. (Nov. 1, 2010) 2010 WL 4982603.

A magistrate or municipal court is granted jurisdiction where an officer has probable cause to believe that a misdemeanor has been recently committed and subsequently issues a uniform traffic ticket. S.C. Op.Atty.Gen. (May 21, 1997) 1997 WL 323776.

Offense, including municipal ordinance violation, committed in presence of law enforcement officer and which is within jurisdiction of magistrate’s court and municipal court may be cited on uniform traffic ticket. Use of uniform traffic ticket by officer would confer upon court jurisdiction without necessity of further obtaining arrest warrant. S.C. Op.Atty.Gen. (August 17, 1990) 1990 WL 482435.

State Department of Highways and Public Transportation could include in uniform point system only those offenses against motor vehicle traffic laws or ordinances contained in Section 56‑1‑740 and as determined by Highway Department. S.C. Op.Atty.Gen. (August 17, 1990) 1990 WL 482435.

NOTES OF DECISIONS

Jurisdiction 1

Presence of officer 2

Review 3

1. Jurisdiction

Issuance of uniform traffic ticket did not confer jurisdiction upon magistrate court, in prosecution for criminal domestic violence (CDV), where offense was not committed in presence of a law enforcement officer; officers did not arrive at complainant’s residence until 11 minutes after 911 call during which CDV was allegedly committed. State v. Ramsey (S.C.App. 2012) 398 S.C. 275, 727 S.E.2d 429, affirmed 409 S.C. 206, 762 S.E.2d 15, rehearing denied. Criminal Law 219

Lack of warrant did not negate jurisdiction of magistrate court to enter default conviction on charge of possession of marijuana, where officer was statutorily authorized to issue uniform traffic ticket for simple possession of marijuana, as offense was committed in his presence and punishment therefor fell within purview of the magistrate court. Bayly v. State (S.C. 2012) 397 S.C. 290, 724 S.E.2d 182. Criminal Law 99

2. Presence of officer

“Offense committed in the presence of a law enforcement officer,” as used in the former statute authorizing use of a uniform traffic ticket to commence proceedings in magistrate court, does not include freshly committed offenses that were not committed in the presence of a law enforcement officer. State v. Ramsey (S.C. 2014) 409 S.C. 206, 762 S.E.2d 15, rehearing denied. Automobiles 351.1

Freshly committed offense was not committed in the officer’s “presence,” for purposes of statute authorizing use of a uniform traffic ticket to commence proceedings in magistrate court where an offense is committed in the presence of the issuing officer; officer’s observation of aftermath of offense did not equate to his presence during commission of offense. State v. Ramsey (S.C.App. 2012) 398 S.C. 275, 727 S.E.2d 429, affirmed 409 S.C. 206, 762 S.E.2d 15, rehearing denied. Criminal Law 219

3. Review

Resolution of state’s appeal from magistrate’s dismissal of charge of criminal domestic violence (CDV) brought by uniform traffic ticket, in which reviewing court addressed issue of whether magistrate court had authority to hold probable cause hearing on CDV charge, did not dispose of question raised on subsequent appeal, namely, whether uniform traffic ticket served on defendant commenced proceedings in magistrate court. State v. Ramsey (S.C.App. 2012) 398 S.C. 275, 727 S.E.2d 429, affirmed 409 S.C. 206, 762 S.E.2d 15, rehearing denied. Criminal Law 1180

**SECTION 56‑7‑20.** Unique identifying numbers on tickets; colors and number of copies; electronic tickets.

 Each ticket shall have a unique identifying number. Each printed copy must be labeled at the bottom with the purpose of the copy. A handwritten traffic ticket must consist of four copies, one of which must be blue and must be given to the vehicle operator who is the alleged traffic violator; one of which must be yellow and must be dispatched to the Department of Motor Vehicles for its records and for audit purposes; one of which must be white and must be dispatched to the police agency of which the arresting officer is a part; and one of which must be green and must be retained by the trial officer for his records. An electronic traffic ticket must consist of at least one printed copy that must be given to the vehicle operator who is the alleged traffic violator and as many as three additional printed copies if needed to communicate with the Department of Motor Vehicles, the police agency, and the trial officer. Tickets may be collected electronically, but must be transmitted to the Department of Motor Vehicles electronically. Data transmissions to the Department of Motor Vehicles must be made pursuant to the Department of Motor Vehicles’ electronic specifications.

HISTORY: 1962 Code Section 46‑872; 1967 (55) 203; 1980 Act No. 353, Section 2; 1993 Act No. 181, Section 1469; 2005 Act No. 68, Section 2, eff May 23, 2005; 2009 Act No. 1, Section 1, eff April 7, 2009; 2016 Act No. 185 (H.3685), Section 1, eff January 1, 2017.

Library References

Automobiles 351.1.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1506, 1537, 1558 to 1563, 1602 to 1605, 1649, 1677, 1690 to 1691, 1700, 1712, 1722, 1730, 1736, 1745 to 1747, 1750 to 1751, 1754.

Attorney General’s Opinions

Action by State Department of Highways and Public Transportation in including careless/negligent driving convictions on motor vehicle records of individuals was consistent with State law and therefore, no liability exists for such action. 1993 Op.Atty.Gen. No. 93‑8 (February 17, 1993) 1993 WL 720077.

**SECTION 56‑7‑30.** Printing and ordering traffic tickets; forwarding to court and Department of Motor Vehicles within three business days of issuance to offender; forwarding of disposition information; electronic tickets.

 (A) The Department of Public Safety shall have the traffic tickets printed. Law enforcement agencies shall order tickets from the Department of Public Safety and shall record the identifying numbers of the tickets received by them. The cost of the tickets must be paid by the law enforcement agency. The court’s copy must be forwarded by the law enforcement agency to the appropriate court and electronically to the Department of Motor Vehicles within three business days of issuance to the offender. After final trial court action or nolle prosequi, disposition information must be forwarded electronically to the Department of Motor Vehicles by the appropriate court within five business days of the trial date.

 (B) A law enforcement agency that issues uniform traffic tickets in an electronic format as provided in Section 56‑7‑10 may generate a printed copy of this ticket by using an in‑car data terminal or hand held device. A copy of the ticket must be given to the offender. The court’s copy must be forwarded by the law enforcement agency to the appropriate court, in a format as prescribed by the South Carolina Judicial Department, and electronically to the Department of Motor Vehicles within three business days of issuance to the offender. Data transmissions to the Department of Motor Vehicles must be made pursuant to the Department of Motor Vehicles’ and the South Carolina Judicial Department’s electronic systems specifications.

HISTORY: 1962 Code Section 46‑873; 1967 (55) 203; 1980 Act No. 353, Section 3; 1993 Act No. 181, Section 1470; 2005 Act No. 68, Section 3, eff May 23, 2005; 2016 Act No. 185 (H.3685), Section 2, eff January 1, 2017.

Library References

Automobiles 130, 351.1.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 318, 322 to 326, 328 to 330, 335 to 336, 338, 1506, 1537, 1558 to 1563, 1602 to 1605, 1649, 1677, 1690 to 1691, 1700, 1712, 1722, 1730, 1736, 1745 to 1747, 1750 to 1751, 1754.

Attorney General’s Opinions

Action by State Department of Highways and Public Transportation in including careless/negligent driving convictions on motor vehicle records of individuals was consistent with State law and therefore, no liability exists for such action. 1993 Op.Atty.Gen. No. 93‑8 (February 17, 1993) 1993 WL 720077.

**SECTION 56‑7‑35.** Uniform traffic ticket for speeding or disregarding traffic control device; incident to and contemporaneous with traffic stop; delivery; use of photographic evidence; exception for toll collection violation.

 (A)(1) A law enforcement officer who issues a uniform traffic ticket for a violation of a local ordinance or traffic laws relating to speeding must do so incident to and contemporaneous with a traffic stop.

 (2) A copy of the citation must be given directly to the offender by the law enforcement officer issuing the citation at the time of the traffic stop for the offense.

 (3) A law enforcement agency may not utilize the United States mail, a parcel delivery service, electronic means, or otherwise to send to the operator or owner of a motor vehicle or motorcycle, as defined in Section 56‑3‑20, a uniform traffic citation alleging a violation of a local ordinance or the traffic laws relating to speeding. This subsection does not prohibit the law enforcement agency from sending the operator or owner an additional copy of a uniform citation that was issued to the operator or owner during the traffic stop for the offense upon request of the operator or owner.

 (4) A uniform traffic citation alleging the violation of a local ordinance or the traffic laws relating to speeding may not be issued based in whole or in part upon photographic evidence, whether gathered in conjunction with radar speed detection devices and whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence. This section does not prohibit the use of photographic or video evidence at any hearing related to the offense to corroborate the testimony of a law enforcement officer who personally observed the offense.

 (B)(1) A law enforcement officer who issues a uniform traffic ticket for a violation of a local ordinance or the traffic laws relating to disregarding a traffic control device must do so incident to and contemporaneous with a traffic stop.

 (2) A copy of the citation must be given directly to the offender by the law enforcement officer issuing the citation at the time of the traffic stop for the offense.

 (3) A law enforcement agency may not utilize the United States mail, a parcel delivery service, electronic means, or otherwise to send to the operator or owner of a motor vehicle or motorcycle, as defined in Section 56‑3‑20, a uniform traffic citation alleging a violation of a local ordinance or the traffic laws relating to disregarding traffic control devices. This subsection does not prohibit the law enforcement agency from sending the operator or owner an additional copy of a uniform citation that was issued to the operator or owner during the traffic stop for the offense upon request of the operator or owner.

 (4) A uniform traffic citation alleging the violation of a local ordinance or the traffic laws relating to disregarding traffic control devices may not be issued based in whole upon photographic evidence, whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence. This section does not prohibit the use of photographic or video evidence at any hearing related to the offense to corroborate the testimony of a law enforcement officer who personally observed the offense.

 (C) The provisions of this section do not apply to:

 (1) toll collection; or

 (2) issuance of a uniform traffic citation alleging the violation of Section 56‑5‑2770.

HISTORY: 2011 Act No. 65, Section 1, eff June 17, 2011; 2014 Act No. 274 (H.5014), Section 4, eff June 9, 2014.

Library References

Automobiles 351.1.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1506, 1537, 1558 to 1563, 1602 to 1605, 1649, 1677, 1690 to 1691, 1700, 1712, 1722, 1730, 1736, 1745 to 1747, 1750 to 1751, 1754.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Automobiles and Other Motor Vehicles Section 201, Traffic Tickets.

**SECTION 56‑7‑40.** Penalty for failure to account for ticket, use of nonuniform ticket, or failure to forward ticket.

 Any person intentionally violating the provisions of Section 56‑7‑10 or 56‑7‑30 shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than two hundred fifty dollars nor more than fifteen hundred dollars or imprisoned for not more than six months, or both, for each ticket unaccounted for, or each use of a nonuniform ticket, or each failure to timely electronically forward the Department of Motor Vehicles a copy of the ticket. If the failure to account for a ticket, or the use of a nonuniform ticket, or the failure to timely forward the Department of Motor Vehicles a copy of the ticket is inadvertent or unintentional, such misuse shall be triable in magistrates court and, upon conviction, shall be punishable by a fine of not more than one hundred dollars.

HISTORY: 1962 Code Section 46‑874; 1967 (55) 203; 1980 Act No. 353, Section 4; 2016 Act No. 185 (H.3685), Section 3, eff January 1, 2017.

Library References

Automobiles 324.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1504 to 1505, 1508 to 1510, 1659, 1728 to 1731, 1750 to 1751.

Attorney General’s Opinions

Discussion of the legality of counties and municipalities issuing tickets for traffic and other offenses under local ordinances as opposed to the Uniform Act Regulating Traffic on Highways. S.C. Op.Atty.Gen. (November 18, 2013) 2013 WL 6337704.

Discussion of the legality of municipalities setting their own fines for speeding violations as opposed to the penalties set forth in the Uniform Act Regulating Traffic on Highways. S.C. Op.Atty.Gen. (November 18, 2013) 2013 WL 6210746.

**SECTION 56‑7‑50.** Nonapplicability to certain agencies.

 The provisions of this chapter shall not apply to the South Carolina Department of Natural Resources or to any of its agents.

HISTORY: 1985 Act No. 158, Section 2; 1993 Act No. 181, Section 1471.

**SECTION 56‑7‑70.** Law enforcement officer identification upon stopping a driver.

 When a law enforcement officer stops a driver for a violation of the motor vehicle laws, he shall present his law enforcement badge or other appropriate identification to the driver immediately upon approaching him and before questioning.

HISTORY: 1990 Act No. 598, Section 1.

Library References

Automobiles 349(14.1).

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1515 to 1517, 1519 to 1521, 1523 to 1524.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Automobiles and Other Motor Vehicles Section 202, Duties of Police Officers.

**SECTION 56‑7‑80.** County or municipal uniform ordinance summons.

 (A) Counties and municipalities are authorized to adopt by ordinance and use an ordinance summons as provided herein for the enforcement of county and municipal ordinances. Upon adoption of the ordinance summons, any county or municipal law enforcement officer or code enforcement officer is authorized to use an ordinance summons. Any county or municipality adopting the ordinance summons is responsible for the printing, distributing, monitoring, and auditing of the ordinance summons to be used by that entity.

 (B) The uniform ordinance summons may not be used to perform a custodial arrest. No county or municipal ordinance which regulates the use of motor vehicles on the public roads of this State may be enforced using an ordinance summons.

 (C) An ordinance summons must cite only one violation per summons and must contain at least the following information:

 (1) the name and address of the person or entity charged;

 (2) the name and title of the issuing officer;

 (3) the time, date, and location of the hearing;

 (4) a description of the ordinance the person or entity is charged with violating;

 (5) the procedure to post bond; and

 (6) any other notice or warning otherwise required by law.

 The ordinance summonses must be consecutively and discretely numbered. The ordinance summonses must be audited as part of the annual independent audit required in Section 4‑9‑150 for counties and in Section 5‑7‑240 for municipalities, and a separate copy of each audit must be furnished to the chief administrative officer of the county or municipality, as appropriate.

 (D) Service of a uniform ordinance summons vests all magistrates’ and municipal courts with jurisdiction to hear and dispose of the charge for which the ordinance summons was issued and served.

 (E) Any law enforcement officer or code enforcement officer who serves an ordinance summons must allow the person served to proceed without first having to post bond or to appear before a magistrate or municipal judge. Acceptance of an ordinance summons constitutes a person’s recognizance to comply with the terms of the summons.

 (F) Any person who fails to appear before the court as required by an ordinance summons, without first having posted such bond as may be required or without having been granted a continuance by the court, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days. Any law enforcement agency processing an arrest made pursuant to this subsection must furnish such information to the State Law Enforcement Division as required by Chapter 3 of Title 23.

 (G) This statute does not prohibit a county or municipality from enforcing ordinances by means otherwise authorized by law.

HISTORY: 1992 Act No. 328, Section 1.

Library References

Automobiles 351.1.

Westlaw Topic No. 48A.

C.J.S. Motor Vehicles Sections 1506, 1537, 1558 to 1563, 1602 to 1605, 1649, 1677, 1690 to 1691, 1700, 1712, 1722, 1730, 1736, 1745 to 1747, 1750 to 1751, 1754.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Automobiles and Other Motor Vehicles Section 201, Traffic Tickets.

Attorney General’s Opinions

Discussion of the legality of counties and municipalities issuing tickets for traffic and other offenses under local ordinances as opposed to the Uniform Act Regulating Traffic on Highways. S.C. Op.Atty.Gen. (November 18, 2013) 2013 WL 6337704.

Discussion of the legality of municipalities setting their own fines for speeding violations as opposed to the penalties set forth in the Uniform Act Regulating Traffic on Highways. S.C. Op.Atty.Gen. (November 18, 2013) 2013 WL 6210746.

Discussion of whether fines imposed in magistrates court for violations of county ordinances may be retained entirely by the county. S.C. Op.Atty.Gen. (June 13, 2013) 2013 WL 3243062.

A municipality is required to use a uniform traffic ticket when citing for municipal ordinance violations dealing with traffic offenses, and may not use a municipal ordinance summons in such situation. S.C. Op.Atty.Gen. (June 15, 2011) 2011 WL 2648722.

Any amendment to specifically allow a municipal summons, after being issued by city officials or employees designated by the city manager, to be served by a private process server who is not a state constable or law enforcement officer would not be consistent with the requirements of Section 56‑7‑80. S.C. Op.Atty.Gen. (June 28, 2010) 2010 WL 2678695.

A county ordinance regulating the transportation of refuse is not a traffic offense and does not regulate the use of a motor vehicle on the public roads of the state; therefore, a violation of such ordinance provision could be cited using a uniform ordinance summons. S.C. Op.Atty.Gen. (December 2, 2008) 2008 WL 5476549.

Officers who fail to witness violations of a county ordinance can ask the complaining party to give statements along with photographs or videos to obtain a warrant in connection with the violation, but who should sign the warrant is a fact‑intensive decision. S.C. Op.Atty.Gen. (January 30, 1998) 1998 WL 61840.

There is no requirement that the uniform ordinance summons be written for an offense that occurs in the presence of the officer. S.C. Op.Atty.Gen. (June 19, 1997) 1997 WL 419909.

There is no implied requirement that an ordinance summons may only be written for offenses which occur in the presence of an officer. S.C. Op.Atty.Gen. (July 19, 1996) 1996 WL 494753.

Discussion of the Town of Kiawah Island contract to appoint private security guards as code enforcement officers. S.C. Op.Atty.Gen. (May 23, 1995) 1995 WL 367934.

The uniform summons cannot be used for the enforcement of laws other than county and municipal ordinances and whether or not the state laws can be incorporated by ordinance in order to use the summons would depend on the content of the ordinance and penalty provisions of the state statutes in question. S.C. Op.Atty.Gen. (November 7, 1994) 1994 WL 703274.

A municipality may not authorize, appoint or empower security personnel employed by a local community association to issue ordinance violation summons on a limited basis. S.C. Op.Atty.Gen. (January 24, 1994) 1994 WL 50441.

NOTES OF DECISIONS

Notice 1

1. Notice

Upon citing defendants for violations of county ordinance by means of uniform ordinance summons, county was not entitled to try bonded defendants in their absence when defendants failed to appear at trial; uniform ordinance summons did not inform defendants that they could be tried in their absence after posting bond. Richland County v. Simpkins (S.C.App. 2002) 348 S.C. 658, 560 S.E.2d 899. Criminal Law 636(1)