CHAPTER 5

Legal Holidays

**SECTION 53‑5‑10.** Legal holidays enumerated; holiday schedules of public colleges and universities.

The first day of January—New Year’s Day, the third Monday of January—Martin Luther King, Jr. Day, the third Monday in February—George Washington’s birthday/President’s Day, the tenth day of May—Confederate Memorial Day, the last Monday of May—National Memorial Day, the fourth day of July—Independence Day, the first Monday in September—Labor Day, the eleventh day of November—Veterans Day, National Thanksgiving Day and the day after, and the twenty‑fourth, twenty‑fifth, and twenty‑sixth days of December in each year are legal holidays.

The holiday schedules of public colleges and universities, including technical colleges, shall not be in violation of this section so long as the number of holidays provided for in this section are not exceeded.

HISTORY: 1962 Code Section 64‑151; 1952 Code Section 64‑151; 1942 Code Section 7050; 1932 Code Section 7050; Civ. C. ‘22 Section 5718; Civ. C. ‘12 Section 4201; Civ. C. ‘02 Section 3094; 1898 (22) 791; 1911 (27) 138; 1917 (30) 38; 1923 (33) 168; 1948 (45) 1670; 1970 (56) 1931; 1973 (58) 349; 1978 Act No. 614; 1983 Act No. 151 Part II Section 44; 1996 Act No. 458, Part II, Section 76, eff June 19, 1996; 2000 Act No. 246, Section 1, eff May 1, 2000; 2009 Act No. 33, Section 1, eff June 2, 2009.

Effect of Amendment

The 1996 amendment added the fourth undesignated paragraph pertaining to the holiday schedules of public colleges and universities.

The 2000 amendment, in the first undesignated paragraph, added Martin Luther King, Jr. Day and Confederate Memorial Day and made other changes and deleted the second and third undesignated paragraphs relating to optional holidays and the general election day holiday, respectively.

The 2009 amendment added “twenty‑fourth,” in the first undesignated paragraph.

CROSS REFERENCES

State human resources regulations pertaining to holidays, see S.C. Code of Regulations R. 19‑708.01 et seq.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Public Officers and Public Employees Section 37, Leave.

Treatises and Practice Aids

Employment Coordinator Benefits Section 10:46, South Carolina.

Attorney General’s Opinions

County treasurer is without authority to override directive of county governing body that county office buildings be closed in observance of Martin Luther King’s birthday, January 15, 1990. 1990 Op Atty Gen No. 90‑17.

Local school districts may not schedule in‑service training day for teachers on general election day. 1984 Op Atty Gen, No. 84‑76, p. 191.

NOTES OF DECISIONS

In general 1

1. In general

Judicial proceedings on a holiday are not illegal. Mitchell v Bates (1900) 57 SC 44, 35 SE 420. Hiller v English (1848) 35 SC 486.

**SECTION 53‑5‑20.** Repealed by 2009 Act No. 33, Section 2, eff June 2, 2009.

Editor’s Note

Former Section 53‑5‑20 was entitled “Christmas Eve may be declared holiday for State employees” and was derived from 1962 Code Section 64‑151.1; 1966 (54) 2272; 1985 Act No. 45.

Section 53‑5‑10 was amended in 2009 to include Christmas Eve as a legal holiday.

**SECTION 53‑5‑30.** Certain Mondays and Fridays declared holidays; effect on presentment of bills, notes and checks.

Whenever any of the legal holidays mentioned in Section 53‑5‑10 shall fall upon Sunday the Monday next following shall be deemed a public holiday and whenever any of the holidays mentioned in such section shall fall upon Saturday the Friday next preceding shall be deemed a public holiday for all of the purposes aforesaid. In such cases all bills of exchange, checks and promissory notes which would otherwise be presentable for acceptance or payment on any such Monday or Friday shall be deemed to be presentable for acceptance or payment on the secular or business day next succeeding the holiday.

HISTORY: 1962 Code Section 64‑153; 1952 Code Section 64‑153; 1946 (44) 1456; 1979 Act No. 13.

CROSS REFERENCES

State human resources regulations pertaining to holidays, see S.C. Code of Regulations R. 19‑708.1 et seq.

LIBRARY REFERENCES

40 C.J.S., Holidays Sections 3 et seq.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Public Officers and Public Employees Section 37, Leave.

**SECTION 53‑5‑40.** Repealed by 1993 Act No. 62, Section 2, eff May 13, 1993.

Editor’s Note

Former Section 53‑5‑40, which was derived from 1962 Code Section 64‑154; 1952 Code Section 64‑154; 1946 (44) 1456; 1971 (57) 884, specified additional holidays for banks and cash depositories. For similar provisions, see Section 53‑5‑55.

**SECTION 53‑5‑50.** Repealed by 1993 Act No. 62, Section 2, eff May 13, 1993.

Editor’s Note

Former Section 53‑5‑50, which was derived from 1962 Code Section 64‑163; 1970 (56) 2496, specified additional holidays for savings and loan and building and loan associations in case of special events. For similar provisions, see Section 53‑5‑55.

**SECTION 53‑5‑55.** Holidays for banks and savings and loan institutions.

Notwithstanding any other provision of law, in South Carolina holidays for banks and savings and loan institutions shall be those holidays observed by the Federal Reserve Bank.

In addition to the holidays provided for in this section, the Governor may declare any other day or days of the year legal holidays for the institutions affected by this section whenever the Governor finds such additional holiday or holidays to be necessary or appropriate.

HISTORY: 1993 Act No. 62, Section 1, eff May 13, 1993.

**SECTION 53‑5‑60.** All first Mondays in month shall be business days for certain purposes.

Notwithstanding the provisions of Sections 53‑5‑10 and 53‑5‑30, each first Monday in any month shall be a legal day for judicial or sheriff’s sales or the transaction of any legal business.

HISTORY: 1962 Code Section 64‑155; 1952 Code Section 64‑155; 1942 Code Section 7050; 1932 Code Section 7050; Civ. C. ‘22 Section 5718; Civ. C. ‘12 Section 4201; Civ. C. ‘02 Section 3094; 1898 (22) 791; 1911 (27) 138; 1917 (30) 38; 1923 (33) 168; 1948 (45) 1670.

LIBRARY REFERENCES

40 C.J.S., Holidays Section 6.

**SECTION 53‑5‑70.** Banks and cash depositories may do business on any day except Sunday.

Any business transacted by any bank or cash depository on any day of the year other than Sunday shall be legal.

HISTORY: 1962 Code Section 64‑156; 1952 Code Section 64‑156; 1946 (44) 1456.

**SECTION 53‑5‑80.** Time at which commercial paper or other security maturing on Sunday or legal holiday shall be collectible.

Any commercial paper or other security which shall mature and become payable and collectible on Sunday or on any legal holiday shall be deemed and taken and treated as maturing and becoming payable and collectible on the next day thereafter if such next day shall not be Sunday or a legal holiday, in which latter event it shall be deemed, taken and treated as due, maturing and collectible on the first day thereafter which is not a Sunday or a legal holiday.

HISTORY: 1962 Code Section 64‑157; 1952 Code Section 64‑157; 1942 Code Section 6750; 1932 Code Section 6750; Civ. C. ‘22 Section 3650; Civ. C. ‘12 Section 2534; Civ. C. ‘02 Section 1676; R. S. 1404; 1891 (20) 1052.

NOTES OF DECISIONS

In general 1

1. In general

Insurance premium due on Sunday could be paid on the following day. Linfors v. Unity Life Ins. Co. (S.C. 1939) 189 S.C. 527, 1 S.E.2d 781.

**SECTION 53‑5‑90.** Banks, building and loan associations and other financial institutions may close one additional day a week.

Any commercial bank, building and loan association, savings and loan association or cash depository doing business in the State may, in addition to Sunday and such legal holidays as are now provided by statute, remain closed one day of each week as its board of directors may from time to time determine.

HISTORY: 1962 Code Section 64‑161; 1959 (51) 116; 1960 (51) 1517.

**SECTION 53‑5‑100.** Days of closing under Section 53‑5‑90 constitute legal holidays.

Any day on which any institution referred to in Section 53‑5‑90 shall remain closed as permitted therein shall, as to such institution, constitute a legal holiday and any act authorized, required or permitted to be performed at, by, or with respect to any such institution on a day when it is closed may be performed on the next business day and no liability or loss of any rights of any kind shall result from such delay.

HISTORY: 1962 Code Section 64‑162; 1959 (51) 116; 1960 (51) 1517.