

1981 WL 157969 (S.C.A.G.)

Office of the Attorney General

State of South Carolina  
September 18, 1981

**\*1 Re: Section 57-5-1330**

Mr. E. S. Coffey  
State Highway Engineer  
Department of Highways and Public Transportation  
P. O. Box 191  
Columbia, South Carolina 29202

Dear Mr. Coffey:

In your letter of September 3, 1981, to Deputy Attorney General Victor S. Evans, you requested an opinion from this Office as to whether Section 57-5-1330(2), as amended by Act 449 of 1980, applies only to construction projects commenced after the effective date of the amendment, i.e., June 4, 1980. Section 57-5-1330(2) requires the Department to consider making a turnpike facility 'in every construction project', with certain exceptions not relevant to this opinion. This section does not limit its application to projects commenced after the effective date of the Act. Moreover, since projects commenced prior to the effective date of Act 449 would still be construction projects when the Act took effect, the application of the Act to these projects would not be retroactive, even though the projects may be at various stages of completion. Therefore, it is this Office's opinion that Section 57-5-1330(2), as amended, applies to construction projects commenced before and after the effective date of the amendment. Of course, projects that have been completed and accepted by the Department would not require such reviews, since they are no longer 'construction projects.'

If I can be of further assistance to you in this matter, please advise.

Very truly yours,

Richard B. Kale, Jr.  
Senior Assistant Attorney General

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