

1977 WL 37276 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 22, 1977

**\*1 Re: Commission of Public Works**

Mr. Claude P. Hudson  
Attorney at Law  
106 Church Street  
Greer, South Carolina 29651

Dear Mr. Hudson:

The Commissioners of the Commission of Public Works of Greer, South Carolina, may, pursuant to Section 59-171 of the South Carolina Code of Laws, 'sue and be sued in any of the courts of this State.' As their attorney, you have requested that we advise you as to whether or not, in our opinion, because of the words 'sue and be sued', they, as Commissioners, are generally subject to suit.

In our opinion, the words 'sue and be sued' do not give a general consent to suits of any and all kinds but permit only such actions as would be necessary in order to effectuate the purpose for which the Commission of Public Works was created. Cf., [Lohr v. Upper Potomac River Commission](#), 180 Md. 584, 26 A.2d 547. While the statutory authority for the Commissioners to 'sue and be sued' was not, in our view, intended by the General Assembly as a general waiver of immunity from tort [cf., [Wallace v. Laurel County Board of Education](#), 287 Ky. 454, 153 S.W.2d 915] or trespass suits [cf., [Rader v. Pennsylvania Turnpike Commission](#), 407 Pa. 609, 182 A.2d 199], such clause does, we think, authorize the bringing of those actions necessary to carry out the ordinary business and functions of the Commission.

Best wishes,

C. Tolbert Goolsby, Jr.  
Deputy Attorney General

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