

May 16, 2007

R. P. Presson , Chief
Teal's Mill V.F.D.
50085 Teal's Mill Road
Chesterfield, South Carolina 29709

Dear Chief Presson:

From your letter to Attorney General Henry McMaster we understand you seek an opinion regarding Teal's Mill Rural Volunteer Fire Department's (the "Teal's Mill's") ability to charge a fee to homeowners or their insurance companies for responding to a fire. Specifically, you ask: "Can the Teal's Mill V.F.D send a bill to the homeowner's insurance company?" In addition, you ask: "Can the Teal's Mill V.F.D. send a bill to the homeowner if the homeowner does not have insurance?"

Law/Analysis

In speaking with a representative of Chesterfield County (the "County"), Teal's Mill is not a county agency, but rather is a private charitable organization registered with the South Carolina Secretary of State. In our conversations with you, you indicated Teal's Mill is governed by a Board of Directors. In addition, you informed us that Teal's Mill receives funding from the County by way of a fee charged to the residents of the County residing in the area served by Teal's Mill. According to you, this fee is collected by the County and remitted to Teal's Mill on an annual basis.

Although Teal's Mill receives funding from the County, from the information available to us, we believe Teal's Mill is a private organization presumably governed by its bylaws. Thus, presuming Teal's Mill's Board of Directors acts within the scope of its bylaws and not in contravention of State law, we presume its actions are valid.

We find no provision under State law specifically prohibiting a private charitable organization from charging a fee for its services. Therefore, assuming Teal's Mill's bylaws do not prohibit such action, its Board of Directors may contract with residents to charge a fee for responding to fires at their homes.

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Furthermore, you ask whether this charge may be billed to the resident's homeowners insurance. The extent to which the insurance provider is responsible to pay amounts owed by a resident under these circumstances is a contractual matter between the homeowner and the insurance provider that must be determined in accordance with the homeowner's policy.

Very truly yours,

Henry McMaster
Attorney General

By: Cydney M. Milling
Assistant Attorney General

REVIEWED AND APPROVED BY:

Robert D. Cook
Assistant Deputy Attorney General