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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

July 25, 2002

Kathryn Deogburn
Charleston County Summary Clerk of Court
Summary Courts Administration
Lonnie Hamilton, III Public Service Building
4045 Bridge View Drive
North Charleston, SC 29405

Re: Request for Opinion Concerning Storage Fees for Impounded Vehicles

Dear Ms. Deogburn:

In your above referenced request, you asked this Office for an opinion concerning storage fees for impounded vehicles. I am unaware of any state statute that specifically addresses your question. However, other state statutes that deal with towing and storage charges state that the towing and storage fees charged should be charged at the actual costs and that the towing and storage costs should be reasonable and necessary. See S.C. Code Ann. § 23-19-10 (e); S.C. Code Ann. § 56-29-50 (j).

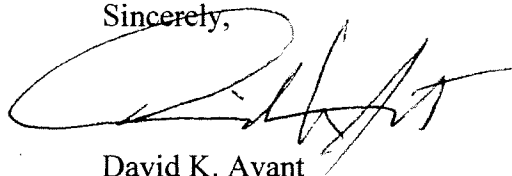
Furthermore, Article VIII of the South Carolina Constitution mandates home rule for local governments. "Implicit in Article VIII is the realization that different local governments have different problems that require different solutions." Hospitality Ass'n of S.C. v. County of Charleston, 320 S.C. 219, 464 S.E.2d 113 (1995). Thus, depending on the reason for the towing, a local ordinance may apply for purposes of determining storage costs. For instance, Myrtle Beach City Code § 23-133 (d) imposes maximum fees which can be charged for the towing and storage of vehicles. Likewise, City of Charleston Municipal Ordinance § 14-34 (a) states that "[t]he owner of any removed vehicle, before obtaining possession thereof, shall pay to the city or, as appropriate, its agent storing said vehicle, all reasonable costs incidental to the removal and storage (of the vehicle) and locating the owner."

Laurel Yott

Ms. Deogburn
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I hope the information provided herein proves helpful. This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General and not officially published in the manner of a formal opinion.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Avant', written over a large, loopy flourish.

David K. Avant
Assistant Attorney General

DKA/jbc