

# The State of South Carolina



## Office of the Attorney General

T. TRAVIS MEDLOCK  
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING  
POST OFFICE BOX 11549  
COLUMBIA, S.C. 29211  
TELEPHONE: 803-734-3680  
FACSIMILE: 803-253-6283

October 6, 1993

The Honorable Dave C. Waldrop, Jr.  
Member, State House of Representatives  
425 Blatt Building  
Columbia, South Carolina 29211

Dear Representative Waldrop:

The Attorney General has asked that I respond to yours of September 21, 1993. You request the opinion of this Office whether a County Transportation Committee (CTC) is a "governmental entity" as that term is used in the South Carolina Tort Claims Act. See S. C. Code Ann. § 15-78-10, et seq., particularly § 15-78-30 (d) (1992 Cum. Supp.). You point out, and I concur, that if the CTC is a "governmental entity" then the Committee and its members are liable in tort only pursuant to the South Carolina Tort Claims Act.<sup>1</sup> In my opinion, the CTC is a governmental entity subject to suit pursuant to the Tort Claims Act.

"Governmental entity," as used in the Tort Claims Act, is statutory defined to mean "the State and its political subdivisions."

Section 15-78-30 (d), supra. Further, the "State" is defined in the Act to include

the State of South Carolina and any of its  
offices, agencies, authorities, departments,

---

<sup>1</sup> "The General Assembly additionally intends to provide for liability on the part of the State, its political subdivisions, and employees, while acting within the scope of official duty, only to the extent provided [in this Act] . . . . The remedy provided by this chapter is the exclusive civil remedy available for any tort committed by a governmental entity, its employees, or its agents. . . ." Section 15-78-20 (b), supra.

The Honorable Dave C. Waldrop, Jr.  
Page 2  
October 6, 1993

commissions, boards, divisions, instrumentalities, including the South Carolina Protection and Advocacy System for the Handicapped, Inc., and institutions, including State-supported governmental health care facilities, schools, colleges, universities, and technical colleges.

Section 15-78-30 (e), supra. In addition, "political subdivision" is statutorily defined as

the counties, municipalities, school districts, a regional transportation authority established pursuant to Chapter 25 of Title 58, and an operator as defined in item (8) of § 58-25-20 which provides public transportation on behalf of a regional transportation authority, and special purpose districts of the State and any agency, governmental health care facility, department, or subdivision thereof.

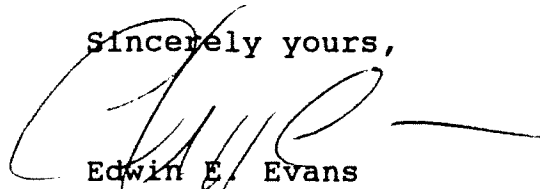
Section 15-78-30 (h), supra.

The CTC is created by State law and the members of the Committee are appointed by the respective legislative delegation. In addition, the Committee performs public functions in connection with the State Highway Program and is charged with the administration of the "C" funds program. See, 1993 Act 14, part II, section 23. Most clearly, the CTC is a "governmental entity" as that term is used in the Tort Claims Act.

I recommend that the various County Transportation Committees contact their respective county governing authorities as well as the Budget and Control Board, Insurance Reserve Fund, to make certain that they have purchased adequate State tort liability insurance coverage. In that regard, please see Section 15-78-140, supra.

With best regards, I am

Sincerely yours,

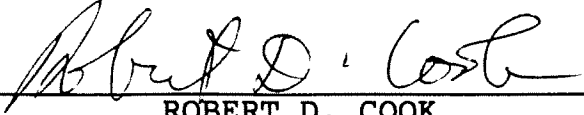


Edwin E. Evans  
Chief Deputy Attorney General

EEE/shb

The Honorable Dave C. Waldrop, Jr.  
Page 3  
October 6, 1993

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
ROBERT D. COOK  
Executive Assistant for Opinions