

# The State of South Carolina



## Office of the Attorney General

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September 26, 1991

Gayle B. Nichols, Staff Counsel  
The Public Service Commission  
Post Office Drawer 11649  
Columbia, South Carolina 29211

Dear Ms. Nichols:

In a letter to this Office you questioned whether a law enforcement officer of the State Public Service Commission is authorized to cite a motor carrier company when the officer discovers evidence of a violation of State law but where that violation occurred outside this State. In essence you are asking whether such an officer in this State can cite for violations that occurred outside this State.

Pursuant to our request you prepared a memorandum of law reviewing such question, a copy of which is incorporated by reference. You stated that this State participates in the United States Department of Transportation and Federal Highway Administration Motor Carrier Assistance Program (MCSAP) and by regulation has adopted MCSAP rules and regulations dealing with motor vehicle safety. 26 S.C. Ann. Regs. 103-241. You stated that pursuant to Section 58-23-1120 of the Code all motor carriers within the definition set forth by Section 58-23-1110(5) of the Code must comply with all relevant regulations of the Public Service Commission, which would include MCSAP regulations. Sections 58-3-350 et seq. of the Code authorizes enforcement "of all motor vehicle carrier laws and related laws" by inspectors of the law enforcement department of the Public Service Commission.

We are in agreement with your conclusion as outlined in your memorandum that where a violation of MCSAP regulations occurred outside this State, an officer in this State would not have law enforcement authority as to such violation. However, when a violation of such regulations occurs in this State, the officer would have law enforcement authority as to the violation. In other words, a law enforcement officer in this State has no authority as to any offense which occurs outside this State.

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If there is anything further, please advise.

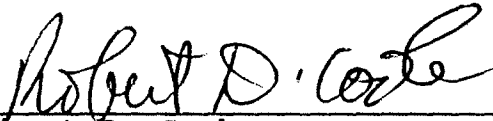
Sincerely,



Charles H. Richardson  
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:



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Robert D. Cook  
Executive Assistant for Opinions