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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: 803-734-3970
FACSIMILE: 803-253-6283

September 21, 1992

The Honorable Lanny F. Littlejohn
Member, House of Representatives
4511 South Pine Street Exit
Spartanburg, South Carolina 29302

Dear Representative Littlejohn:

In a letter to this Office you questioned whether the provisions of S.C. Code § 56-3-1950 et seq. which provide for parking for handicapped persons may be enforced on private property.

A prior opinion of this Office dated May 21, 1980, a copy of which is enclosed, determined that State statutes providing for handicapped parking are enforceable as to any parking place clearly designated for handicapped persons on public or private property regardless of whether the property is posted pursuant to S.C. Code § 23-1-15. Such provision typically requires property used as a private parking lot to be posted so as to inform the public that the lot is subject to police jurisdiction before law enforcement authorities may enforce laws relating to the unlawful operation of motor vehicles on such property.

Consistent with such, included in Act No. 421 of 1992 was a provision to be codified as § 56-3-1971 which states in part:

All law enforcement officers issuing tickets on public and private property and state law enforcement division licensed security guards of shopping centers and business and commercial establishments, which provide parking spaces designated for handicapped persons, are authorized to issue a uniform parking violations ticket to the vehicle for violations of the prescribed use of the parking space

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If there is anything further, please advise.

Sincerely,

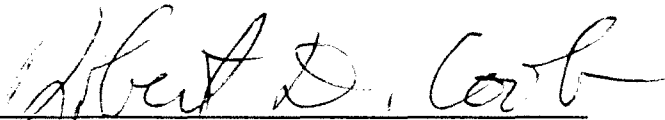


Charles H. Richardson
Assistant Attorney General

CHR/an

Enclosure: Op. Atty. Gen., May 21, 1980

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions