

The State of South Carolina

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Office of the Attorney General

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May 11, 1989

The Honorable Joyce C. Hearn
Member, House of Representatives
503-B Blatt Building
Columbia, South Carolina 29211

Dear Representative Hearn:

In a letter to this Office you questioned whether the provisions of Sections 56-3-1950 et seq. of the Code which provide for free parking for handicapped persons are applicable to handicapped parking in parking garages which provide timed or metered parking.

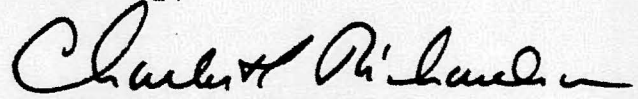
Pursuant to Section 56-3-1960, "(a)ny person who is handicapped as defined in ...(Article 18 of Chapter 3 of Title 56)... must be allowed to park in metered or timed parking places without being subject to parking fees or fines." Of course, such provision is not applicable to those areas or during those times where parking is prohibited. In a prior opinion of this Office dated May 21, 1980, a copy of which is enclosed, it was stated that the referenced 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 Section 23-1-15 of the Code. Section 23-1-15 typically requires property used as 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 prior opinion, the provisions authorizing free parking for handicapped persons are applicable to handicapped parking in parking garages which provide timed or metered parking. This conclusion would be applicable to all parking garages regardless of whether they are considered public or private property.

The Honorable Joyce C. Hearn
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If there is anything further, please advise.

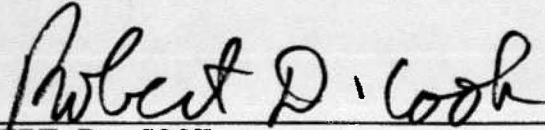
Sincerely,



Charles H. Richardson
Assistant Attorney General

CHR:sds
Enclosure

REVIEWED AND APPROVED BY:



ROBERT D. COOK
EXECUTIVE ASSISTANT FOR OPINIONS