

1980 WL 121138 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 2, 1980

*1 The Honorable Alex Harvin, III
South Carolina House of Representatives
Box 266
Summerton, South Carolina 29148

Dear Mr. Harvin:

The Attorney General has received your letter of March 11, 1980, in which you inquired:

‘Is it legal and/or constitutional for a private hospital to buy property or malpractice insurance coverage from the State of South Carolina Sinking Fund?’

[Section 10-7-10, et seq., of the 1976 Code](#) of Laws for the State of South Carolina authorizes insurance on public buildings and contents of the State, Incorporated Municipalities and Counties. We find no provision in the statutes and/or constitution authorizing a private hospital to buy property insurance coverage from the State of South Carolina Sinking Fund.

[Section 1-11-140 of the 1976 Code](#) states in part as follows:

‘ . . . The State Budget and Control Board, through the Division of General Services, is also authorized to offer insurance to governmental hospitals and chartered, nonprofit, eleemosynary hospitals in this State so as to protect such hospitals against tort liability’

It is, therefore, our opinion that chartered nonprofit eleemosynary hospitals, although they are private and not public hospitals, may purchase tort liability insurance through the State Fund; but not property insurance.

Mr. Paul Hawkins, Chief of Insurance, 300 Cervais Street, Columbia, South Carolina 29201, can provide particulars as to available coverage and premiums.

Sincerely,

Frank K. Sloan
Deputy Attorney General

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