

1980 WL 121233 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 20, 1980

*1 Joseph H. Earle, Jr.
Greenville County Attorney
Greenville County Courthouse
Greenville, South Carolina 29601

Dear Mr. Earle:

In reviewing the proposed Greenville County Ordinance, I have the following comments. As you noted, counties have only such powers as are express or impliedly conferred upon them by the Constitution or by statutory provision. In determining whether all of the provisions of the proposed ordinance are authorized by [Code of Laws of South Carolina §§ 4-18-10 et seq.](#), it is necessary to consider the relationship between the provisions of the ordinance and the purpose of [§§ 4-18-10 et seq.](#)

The General Assembly's intent in passing this statute was two-fold: (1) to authorize the counties to prohibit wreckers from proceeding to accident scenes except upon call of the individuals involved or the law enforcement officer in charge; and, (2) to authorize the counties to establish any regulations necessary, in conjunction with the Highway Patrol and the Sheriff's Office, to ensure an orderly procedure in dispatching such wreckers.

Sections 1-6 of the ordinance are sufficiently related to the goals of the General Assembly. Sections 1, 2 and 6 merely restate the law. Sections 3, 4 and 5 all include efforts to establish an orderly dispatch procedure.

There are two requirements in Appendix B of the proposed ordinance which are not sufficiently related to the two-fold purposes of the statute. The insurance requirement of Section II is unnecessary for an orderly dispatch procedure or the elimination of wreckrunning. Similarly, the storage requirements of Section III do little to prohibit the evil that the General Assembly sought to prohibit, nor is it necessary to accomplish the purpose specified in the statute.

While both of these requirements are desirable components of an effective statute, [Section 4-18-10 et seq.](#) do not provide the authority to the county to implement them. Perhaps the county has some other statutory basis for these provisions. If not, then perhaps the General Assembly would be willing to authorize such action.

Sincerely yours,

Richard D. Bybee
Assistant Attorney General

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