

1978 WL 34683 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 3, 1978

*1 Honorable Jack C. Muller
French Consular Agent
Charleston
Six King Street
Charleston, South Carolina 29401

Dear Mr. Muller:

Your recent letter to the Secretary of State has been referred to me for reply. You have inquired as to the special status, if any, accorded by the State of South Carolina to consular agents of foreign countries.

Generally speaking, the rights, powers and duties of consuls and consular officials rest on international law as well as on statute, regulation, and treaty stipulations (3A C.J.S., p. 398). There is a recent state statute which provides for special license plates for consular officers, a situation which you refer to. However, this office is aware of no other special legislation which refers to consuls (except to spell out their duties and powers, e.g., to administer oaths, and to exempt them from state unemployment laws). It further appears from an 1820 South Carolina case (apparently the most recent to consider the matter) that the law of nations does not exempt a foreign consul from liability to the laws of the State in which he resides ([State v. DeLa Foret, 11 S.C.L. 217](#)).

Accordingly, it is the opinion of this office that consular officials enjoy no special protection or immunity beyond the situations listed above.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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