

1975 WL 29818 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 16, 1975

*1 Honorable Eugene C. Stoddard
Member
House of Representatives
Laurens County
State House
P. O. Box 11867
Columbia, SC 29211

Dear Mr. Stoddard:

It is my opinion that H 2911 is unconstitutional. The Bill would allow state and county highway crews to maintain and improve private driveways for a reasonable deference from the entrance of such driveway onto a public road.

The attached Order of Judge Robert W. Hayes was handed down in Chester County which prompted this conclusion. I also direct your attention to the case of [Jacobs v. McClain](#), 262 S.C. 425, 205 S.E.2d 172.

While the statute of the nature of 2911 has not been considered, it is my opinion that the same results would be reached and that such a law would be considered unconstitutional.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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