

1975 WL 29821 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 19, 1975

*1 Lieutenant Paul M. Burch
Pageland Police Department
Pageland, South Carolina 29728

Dear Lieutenant Burch:

As Lieutenant of the Pageland Police Department, you inquire as to whether the Town of Pageland, or the Department of Police thereof, is liable for damages to an automobile which occurred while it was being towed by a local wrecker service after the driver of the automobile had been arrested for driving under the influence. You further state that the damage resulted from the negligence of the wrecker service.

Generally speaking, the rule of sovereign immunity is applicable in this State. As was stated in [McKenzie v. City of Florence](#), 234 S.C. 428, 108 S.E.2d 825:

'It has long been the settled law of this State that, except as expressly permitted by statute, municipal corporations are not liable in damages for a tort committed by any of its officers or agents.'

There is no statute in derogation of sovereign immunity in the circumstances you have described. No opinion is rendered relative to the liability of the wrecker service, for to do so would place this Office in the position of giving private legal advice.

In the event that this Office can be of further assistance to you, please do not hesitate to call upon us.

Very truly yours,

Sidney S. Riggs, III
Assistant Attorney General

1975 WL 29821 (S.C.A.G.)

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.