

1974 S.C. Op. Atty. Gen. 36 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3689, 1974 WL 21208

Office of the Attorney General

State of South Carolina

Opinion No. 3689

January 9, 1974

**\*1 In Re: Motor Vehicle Accidents on Private Property**

Honorable A. M. McAllister  
Chief of Police  
Box 510  
Ware Shoals, South Carolina 29692

Dear Chief McAllister:

You have made two inquiries with respect to motor vehicle accidents that occur on private property - - - such as shopping center parking lots, private roads, and drive-ins.

I.

**IS THE MOTORIST REQUIRED TO REPORT THE ACCIDENT?**

The Safety Responsibility Act does not exclude accidents that occur on private property; therefore, written reports to the South Carolina Highway Department are required. The same thing applies with reference to requirements that the driver not leave the scene of an accident in specified cases. Section 46-321, 1962 Code of Laws of South Carolina.

II.

**ARE TRAFFIC OFFICERS EMPOWERED TO INVESTIGATE SUCH ACCIDENTS AND MAKE CHARGES WHEN APPROPRIATE?**

There is nothing to prevent a law enforcement officer from entering private property in order to investigate the probability of a violation of the law - - - especially when the area to be entered is an open area, such as a road or parking lot to which the public is invited. While a warrant might be needed in most cases involving police entry into a private residence or other enclosed area to which the public, generally, is not invited, such restriction does not apply to an open, public area, even though the area is privately owned.

When a motor vehicle accident has occurred in such an area, traffic police are empowered to conduct routine investigations and to prefer charges when there is valid evidence to support such charges. Many acts that constitute violations on public highways are not violations on private property - - - such as speeding and driving without a license; whereas some acts - - - such as drunk driving and reckless driving - - - constitute violations on private property as well as public highways.

Yours very truly,

Joseph C. Coleman  
Deputy Attorney General

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