

1974 WL 27934 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 26, 1974

***1 Re: House Bill No. 1776**

Ms. Kay McCoy
Program Coordinator
Emphasis South Carolina
Box 113, Edgar A. Brown Building
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Kay:

In your letter of July 22, 1974, you ask questions concerning house Bill No. 1776, which provides for the 'Collection and Disposal of Derelict and Abandoned Motor Vehicles.' Four basic question is whether or not under this Act county, municipal and private groups who presently take the responsibility for the collecting and disposing of abandoned automobiles may continue to perform this function. It is the opinion of this office that these county, municipal and private groups may continue to perform collection and disposal functions within a controlled area.

Section 1 of House Bill No. 1776 declares that the general policy of the State is to collect and dispose of abandoned and derelict motor vehicles. Section 3 of this same Act provides that the Chief Highway Commissioner is charged with the duty of administering the Act and moving and disposing of all abandoned and derelict motor vehicles. Section 6 of the Act provides that '[t]itle to all motor vehicles sold or disposed of in accordance with this Act shall vest in the State.' Also, Section 11 provides:

It shall be unlawful for any person to tamper with, remove or destroy any colored tag placed on any motor vehicle in compliance with this act and any person found guilty of this provision shall, upon conviction, be subject to a fine not exceeding one hundred dollars.

In view of the above section, it appears that the Legislature intended to pre-empt the field of abandoned automobile collection for disposal, since the titles to such automobiles are vested in the State and it is unlawful for any person to tamper with such automobiles.

However, House Bill No. 1766 does make provisions for persons other than those connected with the State Highway Department to collect and dispose of abandoned and derelict motor vehicles. Section 7 provides:

The commissioner may contract with any federal, other state, county or municipal authority or private enterprise for tagging, collection, storage, transportation or any other services necessary to prepare derelict or abandoned motor vehicles for recycling or other method so of disposal.

Consequently, the Commissioner makes contracts with any county, municipal or private groups which have heretofore undertaken the responsibility of collecting and disposing abandoned motor vehicles whenever he deems it advisable. However, a separate contract should be entered into with each individual agency or group.

If you have any further questions regarding this Act, please do not hesitate to call me.

Yours very truly,

M. Elizabeth Crum
Assistant Attorney General

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