

1973 WL 26789 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 25, 1973

***1 Re: S-329—To Provide for the Loading or Hauling of Cattle or Swine at Night by Truck in Abbeville County and to Provide a Penalty.**

The Honorable John C. West
Governor of South Carolina
State House
Columbia, South Carolina 29201

Dear Governor West:

You have inquired as to the validity of the above Bill which has been submitted to you. The Bill would make unlawful the loading or hauling by truck of cattle or swine in Abbeville County between the hours of sunset and sunrise except with the objection of a special permit to do so. Penalties are provided for the violation thereof.

It is my opinion that this Bill is violative of the local government amendment to the Constitution of this State which prohibits the enactment of a special law for any county. Under the provisions of Article 3, Section 34 of the Constitution which prohibits the enactment of a special law where a general law can be made applicable, the Supreme Court of this State has held that similar legislation is violative thereof.

I advise that, in my opinion, S.629 is unconstitutional as constituting special legislation.

Very truly yours,

Daniel R. McLeod
Attorney General

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