

1973 WL 26847 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 20, 1973

*1 Mr. Billy K. Dawson
Vice President for Financial Affairs
Lander College
Greenwood, South Carolina 29646

Dear Mr. Dawson:

Thank you for your letter of August 16, 1973, concerning your authority to purchase liability insurance for nursing students and nursing faculty.

It has been my view that the purchase of such insurance is of doubtful validity unless authorized by some statute and I am aware of no such statute. The same problem continues to arise and statutory authorization for liability insurance to cover instructors at colleges and universities who may be involved in handling dangerous explosive chemicals has been secured through legislative enactment. There is also at the present time a general movement to secure authorization for the procurement of liability insurance for various officials, particularly physicians, and eventually some form of legislation will probably be enacted.

At the present time, the only method of asserting with certainty whether liability insurance may be procured as a form of fringe benefit to be given public employees is by obtaining a court adjudication or by securing the passage of necessary legislation. I realize that a number of agencies carry such insurance but I am doubtful of its validity.

The foregoing comments are applicable also to the purchase of collision and liability insurance on college vehicles to be driven by faculty, staff and students. Because of the increased subjection of public officials to liability suits, the Legislature should be continually pressed to take some definite action in this respect and I feel that the ground swell which has already developed will eventually bring this about.

Very truly yours,

Daniel R. McLeod
Attorney General

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