

1973 WL 26917 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 8, 1973

**\*1 re: Florence City-County Airport Commission**

Mr. Jack L. Nettles  
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Dear Jack:

For some reason, your letter of July 26, 1973, was misplaced and has just now come to my attention. I apologize for not responding to it.

You inquire if, in my opinion, Section 2-311.2, Code of Laws, 1962, as amended, is constitutional or unconstitutional. This statute provides that:

‘Neither the City nor the County shall be liable in damages for any neglect or mismanagement in the operation and maintenance or otherwise of the Airport.’

It would appear to me that the statute merely carries forward what exists in any event, namely, that the City and County are immune from tort liability. If the statute is construed to exempt Florence City and Florence County from the imposition of liability reposed in them by certain other statutes, such as those relating to highways and streets, such exemption as is contained in Section 2-311.2 might be considered invalid as special legislation. However, I would construe the statute as merely a reiteration of the immunity from suit for tort which the City and County otherwise enjoys, and not in a manner so as to relieve them from tort liability imposed upon all cities and counties in certain specific instances. So construed, it is my view that the statute is constitutional.

With best wishes and apologies,  
Very truly yours,

Daniel R. McLeod  
Attorney General

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