

1972 WL 25936 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 16, 1972 (Dictated February 15, 1972)

***1 RE: State Employees**

Mr. L. W. Moelchert, Jr.
Vice President for Business Affairs
Francis Marion College
Florence, South Carolina 29501

Dear Mr. Moelchert:

Your letter of February 11, 1972, has been received by the Attorney General. You contemplate placing students in a partially completed building and are concerned about State and personal liability that may accrue from any injuries occurring in the unfinished portion of the building.

As I advised you by telephone today, the State cannot be held liable under the general rule of sovereign immunity. However, the administrators placing the students in the building could be held liable for injuries resulting from the action if such action were found to constitute negligence.

Although this is a factual determination that cannot be made at this time, there is a statutory provision, Section 22-14 of the Code of Laws of South Carolina (1971 Cum.Supp.), which can be employed to guard against the contingency that such action be found to constitute negligence. This Section provides that institutions of higher learning can procure insurance against such contingency and pay the premiums from funds of the institution.

You also asked about student releases. Even if they were obtained, it is doubtful if they would be valid and enforceable.

I trust that this discussion will serve your purposes. However, if I can be of any further assistance, please let me know.

Very truly yours,

Edwin B. Brading
Assistant Attorney General

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