

1977 WL 36994 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 16, 1977

**\*1 RE: Marion County Wrecker Ordinance**

William H. Seals, Esquire  
Marion County Attorney  
Marion County Council  
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Marion, South Carolina 29571

Dear Bill,

Frank Sloan asked me to reply to your letter of November 30, 1977, regarding the Marion County Wrecker Ordinance.

It is our position in these situations that the Highway Patrol should not enforce such ordinances since they vary from county to county and, therefore, appear to present equal protection problems as to their enforcement by that statewide law enforcement agency. You may recall that a similar situation once existed regarding participation in local ASAP programs before statewide ASAP was implemented. The problems now presented to the Patrol by local wrecker ordinances is substantially similar, hence our advice is against enforcement of such ordinances by the State Highway Patrol. The ordinance being purely local in nature it, therefore, must be a matter for local law enforcement agencies only.

However, on a practical level the Patrol can be of great assistance to local agencies in enforcing these ordinances. Their policy as stated in their manual is very similar to the subject ordinances but, of course, carries no penalty whatsoever. It would probably be possible initially for an individual patrolman through the patrol dispatcher to alert local authorities to possible violations while he investigates the situation and before he permits the vehicle to be removed, thereby affording local authorities an opportunity to arrive on the scene and investigate possible violations of their local ordinances. He would make no arrests for such violations, thereby avoiding the problems previously discussed, and would investigate the accident scene only as it related to his regular statewide duties. Inconvenience to the patrolman from such a practice would appear to be minimal while affording enforcement opportunities to local authorities of their local laws and would be in keeping with the Patrol's policy of cooperation with other law enforcement agencies. I have discussed the matter by telephone with Colonel Seaborn and he agrees.

I trust the preceding explanation will prove satisfactory for your purposes, however, if you have any further questions or suggestions, please feel free to contact me.

With best personal regards, I am  
Very truly yours,

Richard P. Wilson  
Assistant Attorney General

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