

1979 WL 43220 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 21, 1979

*1 Ms. M. Inez Moore
Director
Research & Administration
Medical, Military, Public & Municipal Affairs Committee
Box 11867
Columbia, South Carolina 29211

Dear Ms. Moore:

In response to your request for an opinion from this Office concerning the constitutionality of a bill which, if enacted, would prohibit motor vehicles on certain portions of the beach area in Georgetown County, my opinion is that it is constitutionally suspect. [Article VIII, Section 7 of the South Carolina Constitution](#) prohibits laws for a specific county and Article III, Section 34, subdivision ix thereof proscribes special laws where a general law can be made applicable. In order to survive these two constitutional proscriptions, legislation such as this bill should be drafted to apply to all coastal counties in general. Moreover, it may be that such legislation, general in form, would have to empower coastal counties to provide by ordinance for regulation of their respective beach areas if it is determined that such regulation involves a power, duty or function reserved to counties under the decision of [Kleckley v. Pulliam, 265 S. C. 177, 217 S.E.2d 217 \(1975\)](#).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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