

1976 WL 30811 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
September 20, 1976

***1 RE: Pee Dee Regional Transportation Authority**

Purvis W. Collins
Director
South Carolina Retirement System
Bankers Trust Tower
P. O. Box 11960
Columbia, South Carolina 29211

Dear Mr. Collins:

You have inquired as to the legal status of the Pee Dee Regional Transportation Authority insofar as retirement and social security coverage through the system is concerned.

First, it must be determined if the Authority falls under the definition of employer as stated at Section 61-1 subsection 5, 1962 Code of Laws. Reference is made to the opinion written this date concerning the Greenville Transit Authority, insofar as the same Act is involved. Incorporating that opinion and the language of Section 2 paragraph 1 of the 1973 Act it would be my opinion that the Pee Dee Regional Transportation Authority is an employer under the definition of Section 61-1 subsection 5.

Secondly, it must be determined if the Authority is a political subdivision as that term is defined in Section 61-221 subsection 6, 1962 Code of Laws. The Authority under the terms of the enabling Act would be an instrumentality of one or more political subdivisions of the State. The manner in which the 1973 Act establishes these authorities would make such an Authority a juristic or legal entity. Additionally, such entity would be legally separate and distinct from the subdivisions and its employees would not be employees of the subdivisions which have joined in the agreement to create an Authority. This being the case, it would be my opinion that the Pee Dee Regional Transportation Authority falls within the definition contained at Section 61-221 subsection 6 and therefore would be entitled to social security coverage through the Retirement System.

With kindest regards, I am
Very truly yours,

Cameron B. Littlejohn, Jr.
Staff Attorney

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