

1976 WL 30538 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 7, 1976

*1 The Town of City View, having adopted in its Code of Ordinances Section 46-750.152 of the Code of Laws of South Carolina (1975 Cum. Supp.), prohibiting the operation of uninsured motor vehicles, may enforce the same against violators apprehended within its jurisdiction.

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City Attorney
City View

QUESTION PRESENTED:

You have requested an opinion as to whether Section 46-750.153, Code of Laws of South Carolina (1975 Cum. Supp.) prohibits the Town of City View from enforcing Section 46-750.152, which the town has adopted as a part of its Code of Ordinances.

AUTHORITIES CITED:

[Jones v. South Carolina State Highway Department](#), 247 S. C. 132, 146 S.E. 2d 166 (1966).

Section 46-750.152, Code of Laws of South Carolina (1975 Cum. Supp.)

Section 46-750.153, Code of Laws of South Carolina (1975 Cum. Supp.)

Section 46-851, Code of Laws of South Carolina (1962)

Section 47-32, Code of Laws of South Carolina (1975 Cum. Supp.)

Section 53-1, Code of Laws of South Carolina (1962)

58 Acts and Joint Resolutions 2718 (1974)

DISCUSSION:

It is illegal for any motorist to operate an uninsured motor vehicle in this State. See generally, the Automobile Repair Reform Act, 58 Acts and Joint Resolution 2718 (1974). (hereinafter 'the Act'). Anyone doing so is guilty of a misdemeanor under Section 46-750.152, Code of Laws of South Carolina (1975 Cum. Supp.). Administration and enforcement of the Act is specifically delegated to the State Highway Department by Section 46-750.153, supra. Where the enforcement of traffic or other laws is devolved upon the Highway Department, the South Carolina Highway Patrol is the law enforcement division responsible for such enforcement. See, 46-851, Code of Laws of South Carolina (1962). The question then arises as to whether this is an exclusive delegation of authority.

In attempting answer this question, it becomes necessary to try and interpret the intent of the legislature in enacting this statute. It is a fundamental concept of statutory interpretation that each provision should be given a reasonable and practical construction, consistent with the purpose and policy expressed therein. [Jones v. South Carolina State Highway Department, 247, S. C. 132, 146 S.E. 2d 166 \(1966\)](#).

In the present case, it would be unreasonable to assume that the General Assembly intended that the enforcement of the Act be exclusively within the jurisdiction of the State Highway Department. Section 46-750.153, *supra*, makes reference to ‘enforcement and administration’, and naturally the State Highway Department is the logical agency to handle the administration and enforcement of the Act. However, it is not logical that the State Highway Department would be the only agency capable of enforcing those provisions of the Act prohibiting the operation of uninsured motor vehicles. Other state statutes militate against such reasoning.

*2 Section 47-132, Code of Laws of South Carolina (1975 Cum. Supp.) provides that all municipalities of the State have the authority to enact regulations, resolutions and ordinances, not inconsistent with the general law of this State, including the exercise of powers in relation to law enforcement. Section 53-1, Code of Laws of South Carolina (1962) states that the police authorities of any city or town of this State ‘may make arrests of all offenders against the municipal ordinances and statutes of this State committed within the corporate limits or at any place within a radius of one mile of the corporate limits. . . .’ Thus, the enforcement of state statutes, as well as municipal ordinances, by local officials is established.

CONCLUSION:

The Town of City View, having adopted in its Code of Ordinances Section 46-750.152 of the Code of Laws of South Carolina (1975 Cum. Supp.), prohibiting the operation of uninsured motor vehicles, may enforce the same against violators apprehended within its jurisdiction.

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