

1975 S.C. Op. Atty. Gen. 100 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4027, 1975 WL 22324

Office of the Attorney General

State of South Carolina

Opinion No. 4027

May 9, 1975

\*1 Mr. James K. Hope, Jr.

Director

Department of Juvenile Placement and Aftercare

915 Main Street—Room 221

Columbia, SC 29201

Dear Mr. Hope:

You have requested advice concerning automobile insurance coverage for your Hearings Officer in the following regard: In the event of an accident, and the operator of the automobile, as a State Employee pursuing official business, is sued for an amount greater than the amount of the insurance coverage, would he be personally and individually liable for the additional amount, or would the State, as principal and employer, be liable for the amount above insurance coverage?

The individual employee would be personally liable for any amount recovered above the amount of the insurance coverage. The State of South Carolina under S. C. Code Ann. § 10-2623 could only be held liable for an amount up to \$10,000.00, for personal injury and \$5,000.00 for property damage.

You also ask whether the employee involved would have any recourse to the State for the excess damager. The State of South Carolina has not waived its sovereign immunity in this regard and therefore the employee could not sue the State for payment of damages. Moreover, there is no provision for the payment of damages by the State for its employees' acts other than S. C. Code Ann. § 10-2623.

Please contact Mr. Ronald H1 Colvin, Attorney, Division of General Services for any information concerning tory liability INSURANCE coverage by the State.

I trust this is sufficient to answer your inquiries. If you desire any additional information, please contact me.

Very truly yours,

John L. Choate

Assistant Attorney General

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