

1975 WL 29021 (S.C.A.G.)  
Office of the Attorney General  
State of South Carolina  
July 21, 1975

**\*1 In Re: No-Fault Insurance Act [Act 1177 of 1974]; Liability Policies Issued to Department of Education to Cover School Buses**

Mr. Furman E. McEachern, Jr.  
Division Director  
Division of General Services  
300 Gervais Street  
Columbia, South Carolina 29201

Dear Mr. McEachern:

You have inquired as to the applicability of the subject Act to policies of insurance issued to the Department of Education providing liability coverage on school buses.

Article II, Section 1, Act 1177, reads in part:

‘The benefits [medical, surgical, funeral, and disability] - - - shall cover the named insured and members of his family residing in his household - - -.’

Obviously, when the insured is the State Department of Education, there can never be medical, surgical, funeral or disability benefits accruing to ‘the named insured and members of his family residing in his household’.

Since this provision is impossible of application to the Department of Education, Act 1177 cannot be construed as requiring that policies of insurance issued to it contain such provision.

Article II, Section 1, provides, further, that no-fault benefits be made available to:

- (1) ‘- - - other persons injured while occupying the insured motor vehicle as a guest or passenger or while using it with the express or implied permission of the named insured - - -.’
- (2) ‘- - - and pedestrians injured in an accident in which the insured motor vehicle is involved.’

In view of the foregoing, it is the opinion of this Office that the subject policies of liability insurance may be issued if they provide minimum no-fault benefits as set forth in (1) and (2) of the preceding paragraph [Article II, Section 1, Act 1177, beginning with the words ‘other persons’ on line 12 and ending with the word ‘involved’ on line 17].

Yours very truly,

Joseph C. Coleman  
Deputy Attorney General

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