

SUBJECT: ACCEPTANCE OF MANUFACTURER-SUPPLIED VEHICLE BY STATE AGENCY

SUMMARY:

The Department of Highways and Public Transportation would not be prohibited from accepting a vehicle donated by BMW for use by the South Carolina Highway Patrol.

QUESTION:

Shortly after announcing its intent to locate in South Carolina, BMW offered to donate an automobile to the Department of Highways and Public Transportation for use by the Highway Patrol. The Commander of the Highway Patrol questions whether the Department may accept the offered vehicle.

DISCUSSION:

This opinion is rendered in response to a letter dated July 15, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Corporate support of public agency activities has been reviewed in Advisory Opinions SEC AO92-002, SEC AO92-041, SEC AO92-52, SEC AO92-098 and SEC AO92-117. In those opinions, the Commission advised that private businesses could support agency activities through the provision of equipment and services without charges. The Commission does not believe that private industry is prohibited from providing financial or material support to assist public agencies in discharging their official responsibilities. Reference to the above opinions should be utilized when appropriate regarding these activities.