

Bond Case Briefs

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Repko v. County of Georgetown

Supreme Court of South Carolina - August 29, 2018 - S.E.2d - 2018 WL 4101067

Landowner brought negligence action against county after county allowed repeated reductions in financial guarantees posted by developer for infrastructure development on subdivision lots and infrastructure development was left unfinished.

County moved for a directed verdict at close of landowner's case. The Circuit Court granted the motion. Landowner appealed. The Court of Appeals reversed and remanded. County petitioned for writ of certiorari.

The Supreme Court of South Carolina held that:

- County was immune from property owner's negligence action under the Tort Claims Act's exception for the failure to enforce any law, regulation, or written policy;
- The Court of Appeals erred in sua sponte raising and ruling on the question of whether county would be immune based on statutory immunity for losses resulting from the renewal of a permit; and
- Tort Claims Act exception to waiver of immunity in the context of a governmental entity's licensing function could not be used to interject a gross negligence standard into all of the exceptions under which county sought immunity, abrogating *Jones v. Lott*, 387 S.C. 339, 692 S.E.2d 900.