



Office of the Attorney General

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September 5, 1989

The Honorable McKinley Washington, Jr.
Member, House of Representatives
534 Blatt Building
Columbia, South Carolina 29211

Dear Representative Washington:

You have requested an opinion of this Office as to whether a school crossing guard is authorized to order compliance with traffic laws.

Section 56-5-740 of the Code states:

(n)o person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, fireman or uniformed adult school crossing guard invested by law with authority to direct, control or regulate traffic.

Section 56-5-730 of the Code states:

(i)t is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or to fail to perform any act required in this chapter.

Such provision would be applicable to Section 56-5-740.

The Honorable McKinley Washington, Jr.

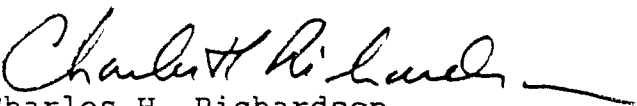
Page 2

September 5, 1989

It is apparent that Section 56-5-740 provides uniformed adult school crossing guards with the authority to "direct, control or regulate traffic." Therefore, to avoid a violation of such provision, there must be compliance with any lawful order or direction of a crossing guard.

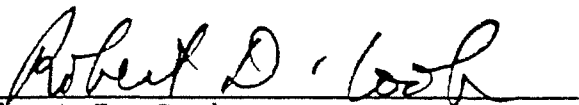
If there is anything further, please advise.

Sincerely,


Charles H. Richardson
Assistant Attorney General

CHR/nnw

REVIEWED AND APPROVED BY:


Robert D. Cook
Executive Assistant for Opinions