

1981 S.C. Op. Atty. Gen. 72 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-48, 1981 WL 96574

Office of the Attorney General

State of South Carolina

Opinion No. 81-48

May 26, 1981

***1 SUBJECT: Enforcement of traffic laws on public school property.**

Local law enforcement personnel are empowered to enforce the mandates of traffic control devices upon any highway which is maintained by public funds. Accident occurring on ways maintained by public funds whether it be school property or not are subject to investigation and the enforcement powers of local authorities.

TO: Safety Coordinator
S. C. Highway Patrol

QUESTION:

When signs concerning the direction of movement of vehicular traffic are posted on school property, are they enforceable as if they were on the highway? When an accident occurs on school property, would it be treated as a violation on a highway?

OPINION:

[Code of Laws of South Carolina § 56-5-940](#) empowers local authorities to place and maintain traffic control devices upon highways under their jurisdiction as they deem necessary to regulate, warn or guide traffic. The Code further specifies that such devices must conform to the South Carolina Manual on Uniform Traffic Control Devices. 'Highways' is defined by [Code of Laws of South Carolina Section 56-5-430](#) as 'every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel'. [Code of Laws of South Carolina § 56-5-950](#) requires that all drivers obey instructions of any official traffic control device which is properly positioned and erected except in certain circumstances which are not pertinent here. Local law enforcement personnel are by these Code sections empowered to enforce the mandates of the traffic control devices upon any highway which is maintained by public funds.

Accidents occurring on ways maintained by public funds whether it be school property or not are therefore subject to investigation and the enforcement powers of local authorities. I trust that this is responsive to your inquiry.

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