

1980 WL 120600 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 14, 1980

***1 Re: Opinion Concerning Administrative Procedure Act**

Mr. Edward B. Latimer
Assistant County Attorney
14-A Courthouse Annex
Greenville, SC 29601

Dear Mr. Latimer:

You have asked whether Section 6-2.06 of the South Carolina Manual on Uniform Traffic Control Devices is a 'regulation' which must be promulgated in accordance with the terms of the Administrative Procedure Act. It is the opinion of this Office that it is not.

The South Carolina Manual on Uniform Traffic Control Devices was developed and adopted by the South Carolina Department of Highways & Public Transportation pursuant to statutory authority granted in [South Carolina Code § 56-5-920 \(1976\)](#), as amended. Section 6-2.06 of said Manual prescribes the positioning of traffic control signs along the State's streets and highways. It is a directive to State and local law enforcement and highway officials to conform to a uniform standard when traffic control signs are positioned.

[South Carolina Code § 1-23-10\(4\) \(1976\)](#), as amended, defines the term 'regulation' as '. . . each agency statement of general public applicability that implements or prescribes law or policy or practice requirements of any agency. The term . . . does not include descriptions of agency procedures applicable only to agency personnel . . .' (emphasis added). In view of the foregoing definition, it seems clear that Section 6-2.06 would not be a 'regulation.' This section would not be a statement of general public applicability, inasmuch as members of the general public are not required to act in conformity therewith. The only persons who are required to obey this directive are law enforcement and highway officials.

For the foregoing reasons it is the opinion of this Office that Section 6-2.06 of the South Carolina Manual on Uniform Traffic Control Devices is not a regulation within the meaning of the Administrative Procedure Act and therefore does not need to be promulgated in accordance therewith.

Sincerely,

L. Kennedy Boggs
Assistant Attorney General

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