

1973 WL 26801 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 3, 1973

***1 In Re: Highway Speed Limits, Authority of Highway Department to Change**

Mr. A. Baron Holmes, IV
Executive Director
Governor's Energy Management Policy Committee
State House
Columbis, South Carolina 29211

Dear Mr. Holmes:

You have inquired whether or not Highway Department is empowered under present law to reduce posted speed limits on the highways of the State.

Section 46-362, 1962 Code of Laws of South Carolina, as amended, reads as follows:

Whenever the State Highway Department shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the State highway system, the Department may determine and declare a reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs: and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.'

As you can see this section gives the Highway Department considerable latitude in fixing speed limits on the State's highways.

Very truly yours,

Joseph C. Coleman
Deputy Attorney General

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