

1978 WL 207612 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 25, 1978

*1 Colonel W. J. Seaborn
State Highway Patrol
P.O. Box 191
Columbia, S. C. 29202

Dear Colonel Seaborn:

You have asked what action, if any, can be taken by the Highway Patrol against those who pass stopped school buses on private roads.

[Section 56-5-2770 of the Code of Laws of South Carolina \(1976\)](#) provides in part:

The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purposes of receiving or discharging any school children shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion or until signalled by the driver to proceed. (Emphasis added).

Section 56-5-430 defines “highway” as the “entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.” (Emphasis added). Section 56-5-450 defines “private road” as “every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.”

The distinction between “highways” and “private roads” is based on the right of the public to use the road for vehicular travel. See, 33A [Words and Phrases](#), “Private Road or Driveway.” Therefore, it is the opinion of this Office that [Section 56-5-2770](#) does not apply to situations in which a driver passes a stopped school bus on a private road.

I trust the preceding discussion adequately answers your question, however, if any further assistance is required, please feel free to contact me.

Very truly yours,

Richard P. Wilson
Assistant Attorney General

Approved by:

(Illegible Signature)

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