

1984 S.C. Op. Atty. Gen. 52 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-17, 1984 WL 159825

Office of the Attorney General

State of South Carolina

Opinion No. 84-17

February 15, 1984

\*1 The Honorable Ron L. Cobb  
Member  
House of Representatives  
404B Blatt Building  
Columbia, South Carolina 29211

Dear Representative Cobb:

You have asked our opinion concerning the legality of firemen, both full-time and volunteer, utilizing red lights and sirens in their private automobiles.

[Section 56-5-170, Code of Laws of South Carolina \(1983 Cum. Supp.\)](#), provides as follows:

Fire department vehicles, police vehicles, ambulances and rescue squad vehicles which are publicly owned, other emergency vehicles designated by the Department or the chief of police of a municipality, and public and private vehicles while transporting individuals actually engaged in emergency activities because of the membership of one or more occupants of a fire department, police department or rescue squad are 'authorized emergency vehicles'.

[Section 56-5-4700 of the Code](#) in pertinent part, requires any vehicles that are 'authorized emergency vehicles' of the fire department to be equipped with a siren, and either 'a mounted, oscillating, rotating or flashing red light, visible in all directions for a distance of five hundred feet in normal sunlight . . .' or 'signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.'

Based upon these Code sections, it is the advice of this Office that private automobiles transporting individuals actually engaged in emergency activities because of the membership of one or more occupants in a fire department, either volunteer or full-time, would be considered 'authorized emergency vehicles' and thus subject to the requirements of [Section 56-5-4700](#) concerning sirens and red lights. Accordingly, use of red lights and sirens in private automobiles by full-time and volunteer firemen engaged in emergency activities would not only be appropriate but also required by statute.<sup>1</sup>

We hope that the above advice satisfactorily responds to your inquiry. If we may provide further assistance, please advise us.  
Sincerely,

Patricia D. Petway  
Staff Attorney

#### Footnotes

- <sup>1</sup> Prior opinions pre-dating April 1978 are hereby superseded to the extent inconsistent with this opinion, due to the passage of Act No. 461, 1978 Acts and Joint Resolutions, Section 1 of which has been codified as [Section 56-5-170 of the Code](#).  
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