

1984 S.C. Op. Atty. Gen. 157 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-63, 1984 WL 159870

Office of the Attorney General

State of South Carolina

Opinion No. 84-63

May 31, 1984

\*1 RE: Red light used by firefighters, full-time and volunteer (Opinion #955)

Captain Lynn S. Sumner  
Tigerville Fire Department  
Support Services Division  
Post Office Drawer F  
Slater, South Carolina 29683-0246

Dear Sir:

Attorney General Medlock has referred your letter, dated April 23, 1984, to me for investigation and reply.

The question presented was as follows: Whether or not a small rotating red light, magnetically mounted to the roof of a vehicle, would satisfy the requirements of §§ 56-5-170 and 56-5-4700. I understand from your letter that some of your volunteer firefighters would like to use such a rotating magnetically attached light when responding to an emergency.

I have reviewed the history of § 56-5-4700, and three opinions of this office interpreting that section.

Section 56-5-4700(b) presently reads as follows:

Every school bus and every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with 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 to the rear 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. Provided, that vehicles of any fire department or funeral home when equipped with a mounted, oscillating, rotating or flashing red light, visible in all directions for a distance of five hundred feet in normal sunlight, shall not be required to have additional signal lamps. (emphasis added)

It is important for the purposes of this opinion to note that the original statute did not contain reference to a school bus, nor the proviso. The proviso for fire department and funeral home vehicles was added in 1967, and the inclusion of school buses was done by the General Assembly in 1970. See, respectively, 1967 Statutes at Large, p. 131, and 1970 Statutes at Large, p. 2320.

An opinion was issued by this office on December 29, 1966, addressing the original statute, and concluding that the requirements of section (b) could be met by the placing of a portable bar with two red signal lamps on top of an authorized emergency vehicle. The two lamps would have to be synchronized so as to display alternately flashing red lights to the front and to the rear. There was no requirement that four lamps be placed on a vehicle, two flashing forward, and two flashing to the rear. 1965-66 Opinions of the Attorney General, No. 2208, p. 352, a copy of which is enclosed.

1966 was a busy year for interpretations of § 56-5-4700. In an opinion issued September 22, 1966, and addressing the original statute, it was concluded that there existed no authorization in the statute for a single dome-mounted oscillating red light for an authorized emergency vehicle. See, 1965-66 Opinion of the Attorney General No. 2158, p. 289, a copy of which is enclosed.

And finally, on June 28, 1966, another opinion was issued which addressed the central question to your inquiry, the definition of 'dome-mounted'. See, 1965-66 Opinions of the Attorney General No. 2087, p. 185, a copy of which is enclosed.

\*2 Briefly, the June opinion noted that the term 'dome-mounted' had not been legally construed by the courts. Nor did dictionaries contain the term. The conclusion, therefore, was that a dome-mounted light would be one that is conical and raised on top of the vehicle. Quoting the opinion, it held that 'the term 'dome-mounted' means that on each police vehicle there should be a blue light that is in the form of a dome, i.e., conical, and that such conically shaped light be placed in an elevated position either on or in such vehicle which is visible from a distance of five hundred feet'.

The proviso enacted by the General Assembly in 1967, postdates the 1966 opinions discussed herein, and would appear to resolve your inquiry in favor of officers wishing to use the magnetically attached lights. There appears to be no specific requirement that the dome-mounted light be physically mounted on the car as a permanent fixture. Indeed, Opinion No. 2208 approved the use of a portable, detachable light, although bar-shaped. So long as the magnetic red light described in your letter meets the other requirements of § 56-5-4700, that it be visible in all directions for a distance of five hundred feet in normal sunlight, it would in my opinion comply with the statute.

In conclusion, a single portable light visible at least five hundred feet in all directions in ordinary sunlight, magnetically mounted at the top of the emergency vehicle, would appear to comply with the provisions of § 56-5-4700(b), as it has been amended.

Sincerely yours,

James G. Bogle  
Assistant Attorney General

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