

1979 WL 42883 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 26, 1979

\*1 Major J. A. Spell  
Highway Patrol  
P. O. Box 191  
Columbia, South Carolina 29202

Dear Major Spell:

You have requested an opinion regarding the authority of private security vehicles to be equipped with 'blue lights'. [S. C. Code § 56-5-4700\(c\) \(1976\)](#) makes it unlawful for one to use a 'blue light' on an emergency vehicle except one used primarily for law enforcement purposes (emphasis added). Your question therefore turns on whether security personnel are primarily engaged in law enforcement activities.

Statutes regarding the qualifications and powers of security officers are located in [S.C. Code §§ 40-17-10 et seq. \(1976\)](#). Security personnel shall be licensed by the South Carolina Law Enforcement Division. [South Carolina Code § 40-17-40 \(1976\)](#). Temporary employees satisfying the criteria of Section 40-17-90 may be employed without licensing. Section 40-17-130 gives licensed security persons as well as these persons described in § 40-17-90 all the arresting powers possessed by sheriffs but only on the property that they have been hired to guard or patrol.

While no South Carolina cases have addressed this question, other jurisdictions have likened the duties of security personnel to those of public law enforcement officers. 'It is common practice in this county for private watchmen or guards to be vested with the powers of policemen, sheriffs, or peace officers to protect the private property of their private employers. And when they are performing their police functions, they are acting as public officers and assume all the powers and liabilities attached thereto.' [National Labor Relations Board v. Jones and Laughlin Steel, 331 U.S. 416 \(19\\_\\_\)](#). This appears to be the rule followed in state jurisdictions. Clearly the similarity between a private security guard and a public policeman ends when the security guard goes beyond the premises he has contracted to patrol. Within those bounds and while on duty, however, the security guard, pursuant to [S.C. Code §§ 40-17-10 et seq. \(1976\)](#), is primarily engaged in law enforcement activities.

It is therefore the opinion of this office that private security officers may utilize emergency vehicles equipped with 'blue lights' while engaged in law enforcement activities permitted by Statute. The use of the 'blue lights' by these private security officers, however, would be confined to only those premises they have contracted to patrol or guard.

Sincerely,

William L. Todd  
Staff Attorney

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