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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

January 5, 2004

Mr. James L. McClinton
Chief Deputy Clerk of Court
Berkeley County
300 California Avenue
Moncks Corner, South Carolina 29461

Dear Mr. McClinton:

In a letter to this office you questioned whether a process server employed by the clerk of court's office can use a blue light on his vehicle.

S.C. Code Ann. Section 56-5-4700 (1991) provides that "...it shall be unlawful for any person to possess any flashing, oscillating or rotating blue light on any vehicle except one used primarily for law enforcement purposes." You indicated that the typical tasks of the individual you referenced are serving contempt summonses, juror summonses, financial responsibility documents for the sheriff's department civil division and other such court documents. You indicated that on occasion he may arrest an individual if the individual is found to have additional charges pending.

As I indicated in our telephone conversation, in order to use a blue light, the vehicle must be one used primarily for law enforcement purposes. If the vehicle is not so used a majority of the time, a blue light may not be used. According to the description of duties provided by you, it is my opinion that the referenced vehicle may not be equipped with a blue light.

Sincerely,

Charles H. Richardson
Senior Assistant Attorney General