

8821 Library



HENRY McMASTER
ATTORNEY GENERAL

August 8, 2006

Chief Charles E. McNair
Director, Cayce Department of Public Safety
Post Office Box 2004
Cayce, South Carolina 29171

Dear Chief McNair:

In a letter to this office you questioned the legality of colored neon or fluorescent bulbs that project from the undercarriage of a vehicle to the ground below.

Enclosed are copies of two prior opinions of this office which basically indicate that we are unaware of any statutes directly prohibiting such lights "...as long as they are installed in a manner consistent with the provisions of Chapter 5, Article 35 of Title 56 (i.e. 56-5-4410 through 56-5-5150)." Reference made be had to these specific provisions regarding the installation of lights generally. Of course, other provisions forbid the use of certain colors of lights. For instance, pursuant to S.C. Code Ann. § 56-5-4700, "(i)t shall be unlawful for any person to possess or display on any vehicle any blue light that is visible from outside the vehicle except one used primarily for law enforcement purposes." Also, S.C. Code Ann. § 56-5-4830 states that "[a] person shall not drive, move, or park any vehicle or equipment upon a highway with a lamp or device on it displaying a red or blue light visible from directly in front of the center of it." These two statutes, along with any others that forbid the use of a particular color of light on a vehicle, should be considered in evaluating a particular situation where neon or fluorescent bulbs are used on vehicles. Again, we are unaware of any statutes that specifically prohibit the use of such as long as they are not installed or use colors of lights inconsistent with other statutory provisions.

You also questioned whether there are any statutes which prohibit flashing lights that flash for a short period of time before presenting a steady beam of light. You stated that in the situation that prompted your question, such products are used in association with brake lighting.

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Generally, pursuant to S.C. Code Ann. § 56-5-4730 “[a]ny motor vehicle may be equipped, and when required under this chapter shall be equipped, with the following signal lamps and devices: (1) a stop light on the rear which shall emit a red or yellow light and which shall be actuated upon application of the service (foot) brake....”

Previously referenced Section 56-5-4830 deals with lamps or types of lighting on motor vehicles. For the purposes of your question, the operative part of this statute is as follows:

Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow-removal equipment or on any vehicle as a means of indicating a right or left turn or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing.

S.C. Code Ann. § 56-5-4740 states that a vehicle may be equipped with lamps used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard. The lamps used to display such warning are described as displaying “simultaneously flashing” lights of the colors specified by such provision. Also, previously referenced Section 56-5-4700 restricts the use of flashing lights to school buses and authorized emergency vehicles. Therefore, in response to your question regarding the use of flashing lights, upon review of the various statutory provisions, it appears that such provisions generally prohibit the use of flashing lights on vehicles other than in the circumstances authorized by various statutory provisions, such as specific types of vehicles (authorized emergency vehicles, etc.), turn signals or alerting to a hazardous vehicle.

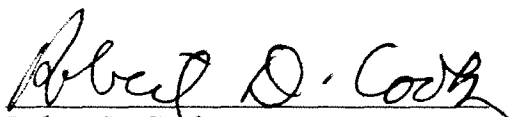
With kind regards, I am,

Very truly yours,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General