

The State of South Carolina



Office of the Attorney General

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February 2, 1990

Harry Drakeford, Jr., Chief of Police
The Town of Cheraw
Post Office Box 111
Cheraw, South Carolina 29520

Dear Chief Drakeford:

In a letter to this Office you raised several questions dealing with the use of emergency lights and sirens while responding to calls.

You first questioned the size of emergency lights when used on personal vehicles and where such lights should be mounted. Section 56-5-4700 of the Code states:

(a) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a siren, exhaust whistle or bell capable of giving an audible signal.

(b) 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

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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.

I am unaware of any statutory provision which specifically provides for the size of such lights. Section 56-5-760 of the Code provides for the exercise of certain privileges by drivers of emergency vehicles when responding to a call. However, the privileges are effective "... only when such vehicle is making use of an audible signal meeting the requirements of Section 56-5-4970 and visual signals meeting the requirements of Section 56-5-4700 of the chapter, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a blue light visible from in front of the vehicle."

You next questioned whether members of rescue squads or fire departments may have emergency lights and sirens on their personal vehicles. As referenced above, Section 56-5-4700 requires certain equipment on "authorized emergency vehicles." Pursuant to Section 56-5-170 of the Code, the term "authorized emergency vehicle" is defined as

(f)ire department vehicles, police vehicles, ambulances and rescue squad vehicles which are publicly owned, other emergency vehicles designated by the ... (Highway) ... 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.... (emphasis added)

Therefore, emergency lights and sirens may only be used on personal vehicles in the circumstances set forth by Section 56-5-170.

You also questioned the possible ramifications if a rescue squad member or a member of a fire department was involved in an accident while in their personal vehicle which was equipped with lights and sirens. I am enclosing copies of three opinions dated September 4, 1980, June 11, 1980 and December 7, 1976 which discuss the question of possible liability in such circumstances. You may wish to discuss such with your city attorney.

As to your question concerning the possible need for higher than normal coverage on individuals using their personal vehicles in emergency situations, such is a personal decision which must be

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decided on a case by case basis. You may wish to discuss such with your city attorney or personal attorney.

With best wishes, I am

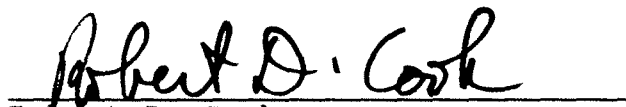
Very truly yours,



Charles H. Richardson
Assistant Attorney General

CHR/an
Enclosures

REVIEWED AND APPROVED BY:



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