

1983 S.C. Op. Atty. Gen. 52 (S.C.A.G.), 1983 S.C. Op. Atty. Gen. No. 83-34, 1983 WL 142705

Office of the Attorney General

State of South Carolina

Opinion No. 83-34

July 8, 1983

***1 SUBJECT: Flashing headlights.**

Blinking a car's headlights during daylight hours does not violate [S. C. Code Ann. § 56-5-4830 \(1976\)](#), nor does it constitute a violation of any other law of this State.

TO: W. H. Simmons, Jr.

Chief Judge

Magistrate's Office—James Island District

QUESTION:

Does blinking one's headlights on and off during daylight hours constitute a violation of [S. C. Code Ann., § 56-5-4830 \(1976\)](#)? If not, is it unlawful for an individual to blink his headlights under any other law of this State?

OPINION:

[S. C. Code Ann., § 56-5-4830](#), deals with lamps or types of lighting on motor vehicles. For the purposes of this opinion, 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.

This statute is found in Article 35 of Title 56, which Article deals with equipment and identification. A plain reading of this statute itself together with its location in the Code leads to the clear conclusion that it ([§ 56-5-4830](#)) deals only with vehicular equipment, not actions of a driver, and its purpose is to prohibit flashing light equipment on motor vehicles except as to those uses specifically cited.

In South Carolina, it is an established rule of statutory interpretation that statutes will be held to their 'plain meaning.' [Brewer v. Brewer](#), 242 S.C. 9, 129 S.E.2d 736 (1963); [Jones v. South Carolina State Highway Department](#), 247 S.C. 132, 146 S.E.2d 166 (1966). The South Carolina Supreme Court has stated this rule as follows:

Modern authorities generally favor the interpretation of statutes according to the natural and obvious signification of the wording, without resort to subtle and refined construction for the purpose either of limiting or extending their operation. [Greenville Baseball, Inc. v. Bearden](#), 200 S.C. 363, 20 S.E.2d 813 (1942).

Based on this established rule, it is the opinion of this office that [S. C. Code Ann., § 56-5-4830 \(1976\)](#), prohibiting flashing lights on certain motor vehicles, should not be interpreted as applying to a situation where an individual blinks their headlights on and off during daylight hours. Further, a review of the South Carolina Code of Laws and relevant case law does not indicate this action violates any law.¹

Bristow Marchant
Staff Attorney

Footnotes

- ¹ This opinion request had as its genesis the case of State v. Utsey, wherein Utsey had been cited under [§ 56-5-4830](#) for flashing her headlights. This charge was dismissed by Magistrate Walter Jennings on May 24, 1983.
1983 S.C. Op. Att. Gen. 52 (S.C.A.G.), 1983 S.C. Op. Att. Gen. No. 83-34, 1983 WL 142705

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.