

1980 S.C. Op. Atty. Gen. 138 (S.C.A.G.), 1980 S.C. Op. Atty. Gen. No. 80-91, 1980 WL 81973

Office of the Attorney General

State of South Carolina

Opinion No. 80-91

September 2, 1980

\*1 The South, Carolina Emergency Preparedness Division may equip and operate as 'authorized emergency vehicles' such of its vehicles as are so designated by the South Carolina Department of Highways and Public Transportation.

Such designated 'authorized emergency vehicles' must be equipped with an audible signal (siren, whistle or bell capable of being heard from a distance of 500 feet) and visual signals (signal lamps, mounted as high and as widely spaced as practicable, capable of displaying, to both the front and rear, alternately flashing red lights located on the same level and all visible from a distance of 500 feet in normal sunlight).

When responding to an emergency call and while making use of both such audible and visual warning signals, the driver of such 'authorized emergency vehicle' is permitted the limited privileges regarding state traffic regulations as are set forth in [§ 56-5-570, Code of Laws of South Carolina \(1976\)](#), as amended.

Only police vehicles and vehicles used primarily for law enforcement purposes are authorized to be equipped with or use a flashing, oscillating or rotating blue light.

To: Director  
South Carolina Emergency Preparedness  
Division, Office of the Adjutant General

QUESTION PRESENTED:

What, if any, visual or audible emergency equipment would be proper to be used on vehicles owned or operated by the South Carolina Emergency Preparedness Division?

STATUTES, CASES, ETC., INVOLVED:

[§§ 56-5-170, 56-5-760, 56-5-2360, 56-5-4700, 56-5-4970, Code of Laws of South Carolina \(1976\)](#), as amended.

DISCUSSION:

It is recognized that your Division has certain statewide operational responsibilities during emergency situations, as well as those involving planning, training, and testing in preparation therefor. It is further recognized that you and members of your Division may be required to travel to and operate in or near an area in which a disaster has occurred or is threatened and that specially equipped and identifiable vehicles may be needed for rapid and authoritative response.

South Carolina law grants to an 'authorized emergency vehicle' certain limited privileges respecting the state traffic regulations. Thus, under [Section 56-5-760, Code of Laws of South Carolina \(1976\)](#), as amended:

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call . . . may
1. Park or stand, notwithstanding any other provision of this chapter.

2. Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.
3. Exceed the maximum speed limit so long as he does not endanger life or property.
4. Disregard regulations governing direction of movement or turning in specified directions.

It must be noted, however, that these exemptions from the usual traffic regulations apply only when such vehicle is making use of an audible signal meeting the requirements of [Section 56-5-4970](#) (a siren, whistle or bell capable of being heard from a distance of 500 feet and of a type approved by the State Highway Department) and visual signals meeting the requirements of [Section 56-5-4700](#) (signal lamps, mounted as high and as widely spaced as practicable, capable of displaying to both the front and rear, alternately flashing red lights located on the same level, all visible from a distance of 500 feet in normal sunlight.) [Section 56-5-760\(c\), Code of Laws of South Carolina \(1976\)](#), as amended. Special provision for other authorized visual signals is made only for police vehicles and those of a fire department or funeral home.

\*2 Because the use of such audible and visual equipment imposes on every other driver the duty to yield the right of way and to stop, [Section 56-5-2360, Code of Laws of South Carolina \(1976\)](#), as amended, state law forbids the use of such equipment on other than an 'authorized emergency vehicle.' See [Section 56-5-4700\(d\)](#). Additionally, only vehicles used primarily for law enforcement purposes may be equipped with a flashing, oscillating or rotating blue light. See [Section 56-5-4700\(c\)](#).

It is thus readily apparent that no vehicle owned by or assigned to your Division could be equipped with the visual or audible devices above described unless such were deemed to be an 'authorized emergency vehicle.' [Section 56-5-170, Code of Laws of South Carolina \(1976\)](#), as amended, defines the term 'authorized emergency vehicle' as follows:

Fire department vehicles, police vehicles, ambulances and rescue squad vehicles which publicly owned, other emergency vehicles designated by the Department [of Highways and Public Transportation] or the chief of police of a municipality, and public and private vehicles while transporting individuals actually engaged in emergency activities because of membership of one or more occupants of a fire department, police department or rescue squad are 'authorized emergency vehicles.'

#### CONCLUSION:

It is my opinion that in order to qualify as 'authorized emergency vehicles', those vehicles of your Division desired by you to be so equipped would have to be designated as such by the State Highway Department. In that regard, I would recommend that such 'designation' be obtained in writing sufficiently identifying each vehicle so designated and kept on file. Inasmuch as I do not believe that your vehicles could be considered police vehicles or ones used primarily for law enforcement purposes, the use of a flashing, oscillating or rotating blue light would not be authorized.

Should your Division conclude that the use of 'blue lights' or other specially distinctive warning devices is necessary, there would be no impediment to legislative action providing for such.

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