

1979 WL 42706 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 31, 1979

**\*1 RE: Legality of the so-called Q-Switch**

Col. J. Seaborn  
Director  
Law Enforcement Division  
Department of Highways and Public Transportation  
Columbia, South Carolina

Dear Col. Seaborn:

You have asked this office to provide an official opinion regarding the use of the so-called Q-Switch, mechanism designed to modulate the intensity of the high beam headlight to provide for better visibility during daylight hours.

[South Carolina Code §§ 56-5-4830 \(1976\)](#) specifically prohibits the use of flashing lights except on certain enumerated types of vehicles, such as authorized emergency vehicles. No exception is provided for motorcycles or other types of general purpose vehicles. Therefore, whether the Q-Switch may be legally used on motorcycles turns on the question of whether or not the modulation of a high beam headlamp makes it a 'flashing light'.

Websters New Int'l Dictionary of the English Language, 2d. Ed. Unabridged (1951) defines flashing light as:

Flashing light = Flashlight a & b

Flashlight

a(1) A scintillating light sometimes used in lighthouses [Scintillate—2. to gleam or emit quick flashes as if throwing off sparks.]

(2) A light shown by some lighthouses, produced by revolution of reflectors or prismatic lenses so arranged as to show bright light at regular intervals alternating with periods of dimness; a revolving light.

b Any clear sudden or intermittent light used as a signal, as on a ship, or for illumination, as of an advertising sign.

The article provided with your request states that 'the Q-Switch pulses the high beam at from 65 to 94% of its power, the depth of the pulse varying [directly] with the intensity of ambient light.' The article further indicates that the light pulses at 4 cycles per second. This description clearly fits definition a(2). Likewise, given the effect the light has of attracting the viewer's attention, the device also seems to fit the definitions given in a(1) as well as b. While the light remains constantly on, the intensity is intermittent and, at four cycles per second, would surely qualify as scintillating.

It is therefore the opinion of this office that the so-called Q-Switch makes an ordinary headlamp into a flashing light and therefore may not be used on motor vehicles in this State.

Because of the apparently increased visibility provided to motorcycles equipped with a Q-Switch, I would recommend that your office, together with the Highway Safety Office of the Motor Vehicle Division evaluate the desirability of

corrective legislation which would permit the regulated use of devices such as the Q-Switch. I would be glad to cooperate with your office in the drafting of any proposed legislation in this area.

Yours very turly,

William L. Todd  
State Attorney

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