

1978 WL 35092 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 1, 1978

\*1 Mr. David Tucker  
President  
National Security Co., Inc.  
P. O. Box 4039  
Columbia, S. C. 29204

Dear Mr. Tucker:

In reference to your letter of August 9, it is the opinion of this Office that your Company must continue to use only amber-colored lights, and may not use blue lights in your security services. I recognize that this may cause some difficulty; however, the applicable laws and regulations do seem to require this interpretation.

Section 56-5-4700(c) provides:

(c) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights as specified herein. Also, such vehicle may in lieu of the alternately flashing red lights be equipped with a special dome-mounted oscillating, rotating, or flashing red or blue light visible from a distance of five hundred feet to the front in normal sunlight; and it shall be unlawful for any person to use such dome-mounted flashing, oscillating or rotating blue light on any emergency vehicle except one used primarily for law enforcement purposes. (emphasis added).

The apparent intent of the legislature was to regard the subsection's last mention of 'any emergency vehicle' as meaning an 'authorized emergency vehicle,' as used earlier in the Code section and as defined in § 56-5-170 so as to exclude vehicles belonging to private security companies.

Furthermore, the South Carolina Private Detective and Private Security Agencies Act empowers the Chief of the South Carolina Law Enforcement Division (SLED):

(3) To promulgate all rules and regulations necessary in carrying out the provisions of this chapter;

(4) To establish and enforce standards governing the safety and conduct of persons licensed and registered under the provisions of this chapter. (§ 40-17-30, S.C. Code of Laws, 1976).

Accordingly, SLED has issued regulations, which require that:

(7). Security Agency patrol cars must be clearly marked as Security Patrol cars.

and

(17). Security Patrol cars shall not utilize blue or red emergency lights. If a Security Company feels emergency lights are necessary on their patrol vehicles, they shall be amber in color and utilized only on said property which security company is patrolling.

Clearly, SLED's regulations require that private security companies at all times maintain an identity separate and distinct from public law enforcement authorities.

Therefore, your private company must not use the blue lights which are reserved to public authorities.

Sincerely yours,

Joseph R. Barker  
Assistant Attorney General

A former Clerk of the House of Representatives who was designated by resolution of the House as a 'special envoy of the House of Representatives on the National Committee on Interstate Cooperation is not thereby made a member of the House Standing Committee on Interstate Cooperation and therefore not a member of the Commission on Interstate Cooperation.

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