

OPINION NO. 96-056**Syllabus:**

Pursuant to R.C. 4513.17(D), undercover motor vehicles of a county drug task force that are used by the deputy sheriffs of the task force to respond to calls for their services may be equipped with and display an oscillating or rotating red light, a combination red and white oscillating or rotating light, an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

To: Kevin J. Baxter, Erie County Prosecuting Attorney, Sandusky, Ohio
By: Betty D. Montgomery, Attorney General, November 5, 1996

You have requested an opinion concerning whether R.C. 4513.17 permits the use of oscillating or rotating lights on undercover motor vehicles of a county drug task force that are used by the deputy sheriffs of the task force to respond to calls for their services. You have explained that the undercover motor vehicles are either leased or owned by the county, and that the vehicles are not marked as emergency vehicles or police vehicles.

R.C. 4513.17, which limits the display of flashing lights and oscillating or rotating lights on motor vehicles, states, in part:

(D) *Except a person operating a public safety vehicle, as defined in division (E) of section 4511.01 of the Revised Code, or a school bus, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any public street or highway any vehicle or equipment which is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety vehicle when on duty, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment which is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light. (Emphasis added.)*

Pursuant to R.C. 4513.17(D), public safety vehicles operated by law enforcement officers may be equipped with and display an oscillating or rotating red light, a combination red and white oscillating or rotating light, an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light. See 1968 Op. Att'y Gen. No. 68-132. Resolution of your question, therefore, requires a determination as to whether undercover motor vehicles of a county drug task

force that are used by the deputy sheriffs of the task force to respond to calls for their services constitute "public safety vehicles" operated by law enforcement officers.

For purposes of R.C. Chapter 4513, the phrase "public safety vehicle" includes, but is not limited to, "[m]otor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state." R.C. 4511.01(E)(2); *accord* 1996 Op. Att'y Gen. No. 96-027 at 2-99. R.C. 2901.01(11)(a), in turn, defines the term "law enforcement officer," for purposes of R.C. 4511.01, to include deputy sheriffs. *Accord* 1984 Op. Att'y Gen. No. 84-008. Accordingly, motor vehicles used by deputy sheriffs are "public safety vehicles," as defined by R.C. 4511.01(E)(2).

As a final matter, I note that there is no requirement in R.C. 4511.01(E)(2) that a motor vehicle used by a law enforcement officer to respond to calls for his services be clearly and distinctly marked as a "public safety vehicle." Instead, any motor vehicle used by a public law enforcement officer constitutes a "public safety vehicle" for purposes of R.C. 4511.01(E)(2). As such, the undercover motor vehicles used by the deputy sheriffs of a county drug task force to respond to calls for their services are "public safety vehicles."

Because R.C. 4511.01(E) includes undercover motor vehicles used by the deputy sheriffs of a county drug task force to respond to calls for their services within the definition of "public safety vehicles," these motor vehicles are "public safety vehicles" for purposes of R.C. 4513.17(D). Therefore, since undercover motor vehicles operated by the deputy sheriffs of a drug task force are listed among the vehicles that are authorized to utilize oscillating or rotating lights, I must conclude that R.C. 4513.17(D) permits the deputy sheriffs of a county drug task force to operate undercover motor vehicles which are equipped with and display oscillating or rotating lights. Such vehicles, however, must be operated in accordance with the laws that regulate the use of county motor vehicles and rules adopted by the board of county commissioners pursuant to R.C. 307.42 and the county drug task force¹ to regulate the use of undercover motor vehicles that are either owned or leased by the county. *See generally* R.C. 307.42 ("[n]o official or employee shall use or permit the use of any vehicle or any supplies for it, except in the transaction of public business or work of the county"); R.C. 307.43 (no person shall use a county motor vehicle "for any purpose other than the transaction of official business").

Based upon the foregoing, it is my opinion and you are hereby advised that, pursuant to R.C. 4513.17(D), undercover motor vehicles of a county drug task force that are used by the deputy sheriffs of the task force to respond to calls for their services may be equipped with and display an oscillating or rotating red light, a combination red and white oscillating or rotating light, an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

¹ Although a county drug task force is not expressly required to set forth rules governing the use and operation of undercover motor vehicles, I believe that prudence dictates that a county drug task force that utilizes undercover motor vehicles which are equipped with oscillating or rotating lights adopt rules that govern the operation and use of such vehicles.