

**OPINION NO. 68-132****Syllabus:**

Public safety vehicles used by law enforcement officers or others sworn to enforce the criminal traffic laws are authorized to have a red flashing light when performing functions in connection with a funeral procession and all other funeral escort vehicles are restricted to an amber colored flashing light.

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**To: Warren C. Nelson, Director, Ohio Department of Highway Safety,  
Columbus, Ohio**  
**By: William B. Saxbe, Attorney General, August 28, 1968**

In your request for my opinion you ask that I interpret Amended House Bill No. 878 as to the application of the various sections to funeral processions.

Accompanying your request for an opinion was a letter addressed to you from the Ohio Funeral Directors Association, Inc., indicating that the central problem for resolution is the color of flashing lights authorized on funeral escort vehicles and especially whether red flashing lights are authorized if a funeral escort vehicle is operated by the police or an individual deputized for that purpose.

The 107th General Assembly in enacting Amended House Bill No. 878, effective December 14, 1967, established a new class of vehicles in the definitions section, which class is referred to as "public safety vehicle", and in general vehicles within this class are the only vehicles authorized to use a red flashing light.

Subsection 4511.01 (E), Revised Code, reads as follows:

"(E) 'Public safety vehicle' means ambulances, motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state, and the vehicles used by fire departments, including motor vehicles when used by volunteer firemen responding to emergency calls in the fire department service when identified as required by the director of highway safety."

Subsection 4513.17 (D), Revised Code, reads as follows:

"(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 or move upon any public street or highway any vehicle or equipment which has a flashing red or a flashing combination red and white light, or any vehicle or equipment which has an oscillating or rotating red light or a combination red and white oscillating or rotating light. This section shall not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles."

The legislature in Subsection 4511.17 (C), Revised Code, further restricted the use of flashing lights.

Subsection 4511.17 (C), supra, reads as follows:

"(C) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to the use of a flashing, oscillating, or rotating amber light on emergency vehicles, \* \* \* road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, state highway survey vehicles, funeral escort vehicles, and similar equipment operated by the department or local authorities, nor to vehicles or machinery permitted by section 4513.11 of the Revised Code to have a flashing red light." (Emphasis added)

Subsection 4511.01 (VV), Revised Code, states:

"'Funeral escort vehicle' means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession."

Prior to the enactment of Amended House Bill No. 878, supra, funeral escort vehicles were permitted by statute to use flashing red lights (see former Section 4513.17, Revised Code, effective November 2, 1959; 128 Ohio Laws of Ohio 591).

The presumption is that the General Assembly had a definite purpose in its recent enactment with respect to flashing lights on motor vehicles. (See 50 Ohio Jurisprudence 2d, Section 246, Object and Purpose of Statute; Presumption and Judicial Notice, page 230).

It seems clear that the legislature intended to restrict the use of flashing lights on motor vehicles and to restrict the color of flashing lights on motor vehicles.

Public safety vehicles are expressly authorized to use red flashing lights by virtue of Subsection 4513.17 (D), supra. Other vehicles not expressly authorized by statute are prohibited by the provisions of Subsection 4511.17 (C), supra, from using any color of flashing lights except those named classes of vehicles which are permitted to use amber flashing lights.

Accordingly, it is my opinion and you are so advised that public safety vehicles used by law enforcement officers or others sworn to enforce the criminal traffic laws are authorized to have a red flashing light when performing functions in connection with a funeral procession and all other funeral escort vehicles are restricted to an amber colored flashing light.