You ask whether a fire marshal may use blue lights on his vehicle in accordance with § 46.2-1022 of the Code of Virginia.

A 1982 opinion of the Attorney General concludes that permissible vehicular lighting devices for emergency vehicles are limited to those specified by statute. Section 46.2-1022 provides that "law-enforcement vehicles may be equipped with … blue … lights." Section 46.2-1023 provides that "[f]ire apparatus … may be equipped with … red … lights." Section 46.2-1024 provides that "[a]ny member of a fire department … may equip one vehicle owned by him with … red … lights." Section 46.2-1025(A)(8) permits the mounting of "amber lights" on "[f]ire apparatus" when "used in addition to lights permitted under § 46.2-1023."

In accordance with these statutes, a 1976 opinion concludes that blue lights may not be used on fire department vehicles. Fire departments are established pursuant to Article 1, Chapter 2 of Title 27, §§ 27-6.1 through 27-23.10. "The head of such fire department shall be known as 'the chief.'" Chapter 3, §§ 27-30 through 27-37.1, however, authorizes the appointment of a "fire marshal." Section 27-34.2:1 provides that "the local fire marshal … shall, if authorized by the [local] governing body …, have the same police powers as a sheriff, police officer or law-enforcement officer."

A 1990 opinion concludes that § 27-34.2:1 grants to the fire marshal "the same police powers as are exercised by a sheriff, police officer or other law-enforcement officer, without limitation as to the types of offenses for which the fire marshal … may exercise those police powers." Such authority stands in contrast to that of a fire "chief," for example, who is granted only limited police powers to be used in fire situations. Relying on the legislative history of § 27-34.2:1, the opinion emphasizes that the General Assembly intended that this provision allow local governing bodies to imbue a fire marshal with the same police powers possessed by a sheriff, police officer, or other law-enforcement officer. Inasmuch as § 46.2-1022 permits law-enforcement vehicles to be
equipped with blue lights, it is my opinion that the vehicle of a fire marshal, who has been authorized by the local governing body to have such law-enforcement powers, may likewise be so equipped.


3 Section 27-6.1.

4 Section 27-30.


6 See § 27-15.1 (providing, generally, that chief shall have authority to maintain order at fire and "power to make arrests" of persons refusing to obey his orders in connection with emergency).