

Driving Emergency Vehicles Should be Limited to Authorized Emergency Personnel

Driving emergency vehicles can be extremely dangerous and is, therefore, an enormous liability exposure for both the driver and your municipality. Emergency vehicles should only be driven by *qualified* personnel.

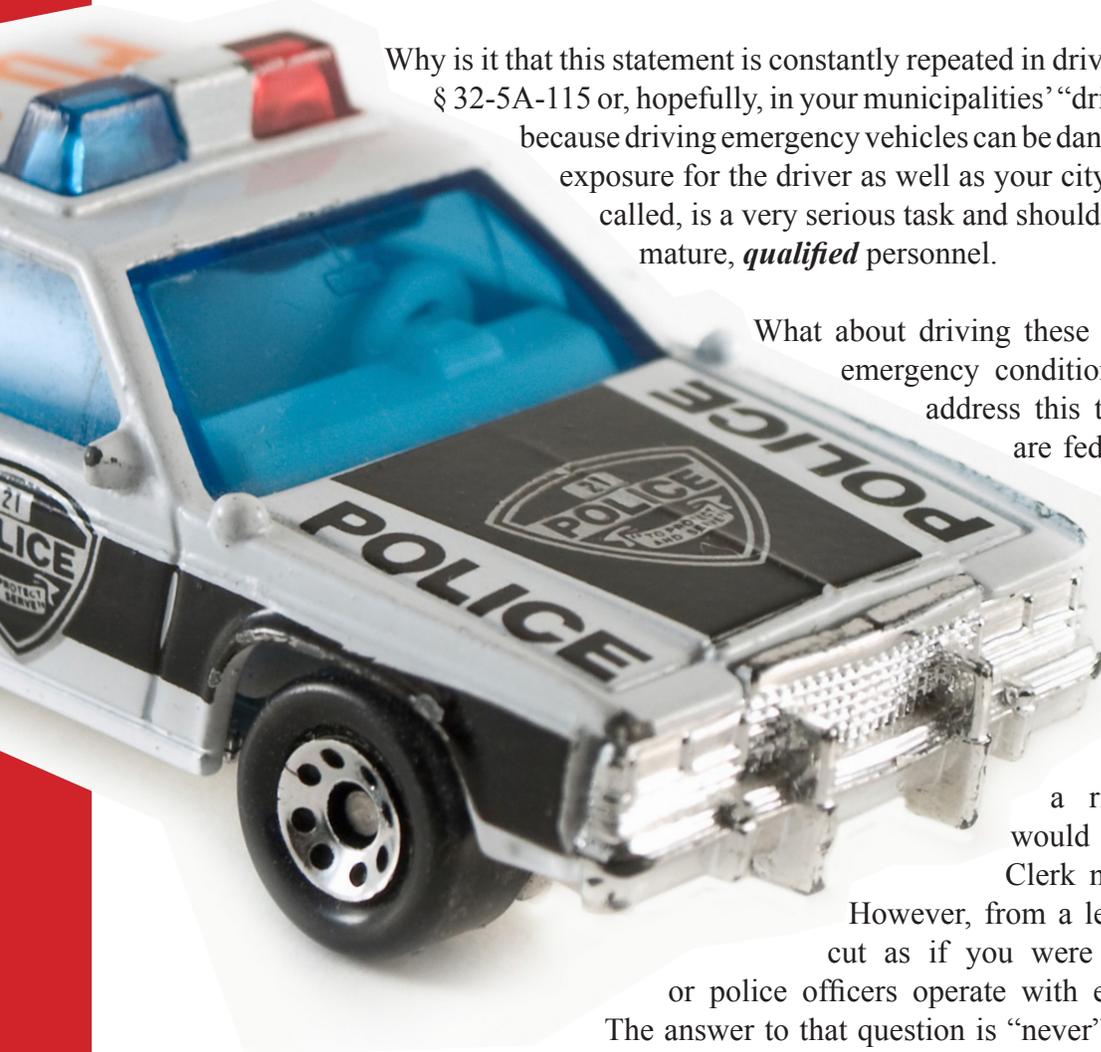
If you've ever driven an emergency vehicle you've probably heard (or you *should* have heard): "Drive with due regard for the safety of all others." If you're researching laws concerning operations of emergency vehicles you'll most likely come across this statement (or something similar) multiple times: "The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others."

Why is it that this statement is constantly repeated in driver training classes, in ALA CODE § 32-5A-115 or, hopefully, in your municipalities' "driver guidelines"? Quite simply, it's because driving emergency vehicles can be dangerous and is an enormous liability exposure for the driver as well as your city or town. Driving Code 3, as it is called, is a very serious task and should only be performed by competent, mature, *qualified* personnel.

What about driving these same vehicles in everyday, non-emergency conditions? Are there specific laws that address this type of driving? Of course there are federal, state and local laws that *all* drivers are expected to follow; however, sometimes an answer to a simple question isn't always so straightforward. For instance, a question I'm often asked is: "Can the Mayor or Clerk drive the reserve police car to run errands?" Well, from a risk management prospective I would strongly encourage the Mayor/Clerk not to drive a reserve police car.

However, from a legal standpoint this isn't as clear cut as if you were to ask: "When can firefighters or police officers operate with emergency lights and no siren?" The answer to that question is "never" because ALA CODE § 32-5A-7 clearly states:

The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of an audible signal meeting the requirements of Section 32-5-213 and visual requirements of any laws of this state requiring visual signals on emergency vehicles.



So ... can the Mayor or Clerk drive the reserve police car to run errands? Well, the answer isn't that simple nor is it what I want to stress because it's only one example of a long list of questions illustrating why every municipality should implement its own vehicle guidelines or policy. My reasoning for encouraging you not to drive a police car or emergency vehicle unless you are an actual police officer or emergency personnel is that the public will likely think that whoever is driving the police car/emergency vehicle is an officer or qualified personnel. A citizen may look to you for assistance that you can't provide – or, even worse, you could become a target and not have the means or the training to protect yourself. You would be opening yourself up to considerable safety exposure as well enormous liability exposure for your municipality.

Points to remember regarding emergency vehicles and emergency lighting:

- **The only vehicles that can legally use emergency lights are authorized emergency vehicles. These include police cars, ambulances and fire trucks.**
- **In order for any other vehicle (i.e. POV) to be considered an authorized emergency vehicle, that vehicle must be so designated by the Director of Public Safety or a police chief of an incorporated municipality.**
- **Police vehicles may use red and/or blue lights. No vehicle other than a police vehicle can use a blue light.**
- **Fire department and other authorized emergency vehicles, including ambulances, shall only use red emergency lights.**
- **Alabama law says that in order to request the right of way, you must be using both visual and audible warning devices.**
- **Every police and fire department vehicle and every ambulance used for emergency calls shall be equipped with a siren, bell, ululating multi-toned horns or other electronic siren type device approved by the Director of Public Safety.**
- **All drivers of emergency vehicles have a duty to drive with due regard for the safety of all persons on the highway.**

To reduce possible liability exposures and the potential for injury, all cities and towns should consider having written vehicle operating guidelines that not only cover emergency vehicles but also offer guidelines for all vehicle types and all drivers. The Alabama League encourages you to implement guidelines that address important issues such as minimum age requirements for emergency vehicle operators; volunteers and personally owned vehicles; disciplinary actions for driving violations; restrictions on inexperienced drivers; and documented preventative maintenance programs. If you need assistance or sample vehicle operation guidelines, please contact your representative with the Alabama League of Municipality's Loss Control Department.

Will Strength, Loss Control Representative

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