

1                   **EMERGENCY VEHICLE OPERATOR DUTY OF CARE**

2                                   **REVISIONS**

3   2014 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Brad L. Dee**

6                                   Senate Sponsor: Todd Weiler

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8           **LONG TITLE**

9           **Committee Note:**

10           The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

11           **General Description:**

12           This bill modifies Title 41, Chapter 6a, Traffic Code, by amending provisions relating  
13 to the duty of care for an emergency vehicle operator.

14           **Highlighted Provisions:**

15           This bill:

16           ▶ provides that the operator of an authorized emergency vehicle owes no duty of care  
17 to a person who is:

18           • a suspect in the commission of a crime and evading, fleeing, or otherwise  
19 attempting to elude the operator of an authorized emergency vehicle; or

20           • in a motor vehicle with the suspect, unless ~~H→~~ **[that person can prove]**

20a           **it is proven** ~~←H~~ by a

21           preponderance of the evidence that ~~H→~~:

21a           (A) ~~←H~~ the person's presence in the motor vehicle

22           was involuntary; ~~H→~~ **and**

22a           **(B) the person's participation in evading, fleeing, or attempting to elude was**

22b           **involuntary.** ~~←H~~

23           ▶ provides that an operator of an authorized emergency vehicle may be held liable for  
24 a fleeing suspect's injuries in certain circumstances; and

25           ▶ makes technical corrections.

26           **Money Appropriated in this Bill:**

27           None



59 apprehending violators.

60 (4) Privileges granted under this section to the operator of an authorized emergency  
61 vehicle involved in any vehicle pursuit apply only when:

62 (a) the operator of the vehicle:

63 (i) sounds an audible signal under Section 41-6a-1625; and

64 (ii) uses a visual signal with emergency lights in accordance with rules made under  
65 Section 41-6a-1601, which is visible from in front of the vehicle;

66 (b) the public agency employing the operator of the vehicle has, in effect, a written  
67 policy which describes the manner and circumstances in which any vehicle pursuit should be  
68 conducted and terminated;

69 (c) the operator of the vehicle has been trained in accordance with the written policy  
70 described in Subsection (4)(b); and

71 (d) the pursuit policy of the public agency is in conformance with standards established  
72 under Subsection (5).

73 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
74 Department of Public Safety shall make rules providing minimum standards for all emergency  
75 pursuit policies that are adopted by public agencies authorized to operate emergency pursuit  
76 vehicles.

77 (6) ~~[The]~~ (a) Except as provided in Subsection (6)(b), the privileges granted under this  
78 section do not relieve the operator of an authorized emergency vehicle of the duty to act as a  
79 reasonably prudent emergency vehicle operator in like circumstances.

80 (b) The operator of an authorized emergency vehicle owes no duty of care under this  
81 Subsection (6) to a person who is:

82 (i) (A) a suspect in the commission of a crime; and

83 (B) evading, fleeing, or otherwise attempting to elude the operator of an authorized  
84 emergency vehicle; or

85 (ii) in a motor vehicle with the suspect described in Subsection (6)(b)(i), unless ~~H→~~ [that  
86 person can prove] it is proven ~~←H~~ by a preponderance of the evidence that ~~H→~~ :

86a (A) ~~←H~~ the person's presence in the vehicle  
87 was involuntary ~~H→~~ [:] ; and

87a (B) the person's participation in evading, fleeing, or attempting to elude was  
87b involuntary. ~~←H~~

88 (c) (i) Notwithstanding Subsection (6)(b), an operator of an authorized emergency  
89 vehicle may be held liable for a fleeing suspect's injuries if the operator of an authorized