

**STANDARD OF CARE FOR EMERGENCY**

**VEHICLE DRIVERS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Leonard M. Blackham**

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**LONG TITLE**

**General Description:**

This bill modifies the Motor Vehicles Code by amending provisions relating to the operation of an authorized emergency vehicle.

**Highlighted Provisions:**

This bill:

- ▶ provides that the operator of an authorized emergency vehicle is not relieved of the duty to act as a reasonably prudent emergency vehicle operator in like circumstances; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**41-6-14**, as last amended by Chapter 71, Laws of Utah 1993

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **41-6-14** is amended to read:

**41-6-14. Emergency vehicles -- Policy regarding vehicle pursuits -- Applicability of traffic law to highway work vehicles -- Exemptions.**

(1) [~~The~~] Subject to Subsections (2) through (5), the operator of an authorized

emergency vehicle[;] may exercise the privileges granted under this section when:

- (a) responding to an emergency call [~~or when~~];
- (b) in the pursuit of an actual or suspected violator of the law; or [~~when~~]
- (c) responding to but not upon returning from a fire alarm[; ~~may exercise the privileges~~

~~under this section, subject to Subsections (2) through (4)].~~

(2) The operator of an authorized emergency vehicle may:

- (a) park or stand, irrespective of the provisions of this chapter;
- (b) proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (c) exceed the maximum speed limits; or
- (d) disregard regulations governing direction of movement or turning in specified directions.

(3) Privileges granted under this section to the operator of an authorized emergency vehicle, who is not involved in a vehicle pursuit, apply only when:

- (a) the operator of the vehicle sounds an audible signal under Section 41-6-146[;]; or
- (b) uses a visual signal as defined under Section 41-6-132, which is visible from in front of the vehicle.

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

- (a) the operator of the vehicle:
  - (i) sounds [~~both~~] an audible signal under Section 41-6-146; and
  - (ii) uses a visual signal as defined under Section 41-6-132, which is visible from in front of the vehicle;
- (b) the public agency employing the operator of the vehicle has, in effect, a written policy which describes the manner and circumstances in which any vehicle pursuit should be conducted and terminated;
- (c) the operator of the vehicle has been trained in accordance with the written policy described in Subsection (4)(b); and

(d) the pursuit policy of the public agency is in conformance with standards established by the Department of Public Safety, Division of Peace Officer Standards and Training, which shall adopt minimum standards that shall be incorporated into all emergency pursuit policies adopted by public agencies authorized to operate emergency pursuit vehicles.

(5) The privileges granted under this section do not relieve the operator of an authorized emergency vehicle of the duty to act as a reasonably prudent emergency vehicle operator in like circumstances.

[(5)] (6) Except for Sections 41-6-13.5, 41-6-44, and 41-6-45, this chapter does not apply to persons, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway. However, the entire chapter applies to those persons and vehicles when traveling to or from the work.