

**STANDARD OF CARE FOR EMERGENCY
VEHICLE DRIVERS
2004 GENERAL SESSION
STATE OF UTAH**

Sponsor: Leonard M. Blackham

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

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



28 **of traffic law to highway work vehicles -- Exemptions.**

29 (1) ~~[The]~~ Subject to Subsections (2) through (5), the operator of an authorized
30 emergency vehicle[;] may exercise the privileges granted under this section when:

31 (a) responding to an emergency call [or when];

32 (b) in the pursuit of an actual or suspected violator of the law; or [when]

33 (c) responding to but not upon returning from a fire alarm[; may exercise the privileges
34 under this section, subject to Subsections (2) through (4)].

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

36 (a) park or stand, irrespective of the provisions of this chapter;

37 (b) proceed past a red or stop signal or stop sign, but only after slowing down as may
38 be necessary for safe operation;

39 (c) exceed the maximum speed limits; or

40 (d) disregard regulations governing direction of movement or turning in specified
41 directions.

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

44 (a) the operator of the vehicle sounds an audible signal under Section 41-6-146[;]; or

45 (b) uses a visual signal as defined under Section 41-6-132, which is visible from in
46 front of the vehicle.

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

49 (a) the operator of the vehicle;

50 (i) sounds [both] an audible signal under Section 41-6-146; and

51 (ii) uses a visual signal as defined under Section 41-6-132, which is visible from in
52 front of the vehicle;

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

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

58 (d) the pursuit policy of the public agency is in conformance with standards established

59 by the Department of Public Safety, Division of Peace Officer Standards and Training, which
60 shall adopt minimum standards that shall be incorporated into all emergency pursuit policies
61 adopted by public agencies authorized to operate emergency pursuit vehicles.

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

65 [~~5~~] (6) Except for Sections 41-6-13.5, 41-6-44, and 41-6-45, this chapter does not
66 apply to persons, motor vehicles, and other equipment while actually engaged in work upon the
67 surface of a highway. However, the entire chapter applies to those persons and vehicles when
68 traveling to or from the work.

Legislative Review Note
as of 2-5-04 6:03 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0232

Standard of Care for Emergency Vehicle Drivers

13-Feb-04

12:13 PM

State Impact

No fiscal impact.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst