



Olds Plaza Building, 10th Floor  
Lansing, Michigan 48909  
Phone: 517/373-6466

## AUTHORIZED EMERGENCY VEHICLES

### House Bill 4017 with committee amendments First Analysis (3-18-97)

**Sponsor: Rep. James McNutt**  
**Committee: Transportation**

#### ***THE APPARENT PROBLEM:***

At present, the Michigan Vehicle Code permits certain vehicles to operate as emergency vehicles as long as they meet the definition of an "authorized emergency vehicle" under the act. This term refers to fire department vehicles, police vehicles, ambulances, and other privately owned vehicles used by volunteer or paid fire fighters or volunteer ambulance drivers which have been authorized to operate as emergency vehicles by the Department of State Police. Apparently, however, in authorizing a vehicle to operate in this way, the department generally contacts a local emergency medical service agency or some other local authority in the process of determining whether a vehicle--based on who owns it and how he or she plans to use it--should qualify as an emergency vehicle. (This is important because authorized emergency vehicles may use special emergency flashers and operate at high speeds or in other ways required in emergency situations and thus the vehicle's condition is a factor.) Because the department finds the current process to be inefficient and time-consuming, it has requested legislation that would transfer responsibility for authorizing emergency vehicles to certain local officials. In addition, language has been requested that would permit vehicles owned and operated by federally recognized nonprofit charitable organizations that were to be used exclusively for assisting during emergencies to qualify as emergency vehicles for purposes of using red flashers during emergency calls.

#### ***THE CONTENT OF THE BILL:***

Under the Michigan Vehicle Code, the Department of State Police determines which vehicles qualify as "authorized emergency vehicles" for purposes of being able to use emergency flashers and operate under emergency conditions (i.e., high-speed situations). The bill would eliminate the role of the Department of State Police in authorizing what constitutes an authorized emergency vehicle and, instead, specifies that such a vehicle would mean either of the following:

\* Vehicles of a fire department, police vehicles, ambulances, or privately owned motor vehicles of

volunteer or paid fire fighters (if authorized by the chief of an organized fire department), or privately owned motor vehicles of volunteer or paid members of a life support agency licensed by the Department of Consumer and Industry services if authorized by the life support agency;

\* For purposes of qualifying to use red flashers on the top of a vehicle during an emergency, a vehicle owned and operated by a federally recognized nonprofit charitable organization that was used exclusively for assistance during that emergency.

MCL 257.2 and 257.698

#### ***FISCAL IMPLICATIONS:***

Fiscal information is not available.

#### ***ARGUMENTS:***

##### ***For:***

The bill would transfer responsibility for authorizing a vehicle to operate as an emergency vehicle from the Department of State Police to the county and/or local emergency medical service agency director or another such person who had been designated with this authority. According to the department, these local officials are currently consulted by the department in the process of authorizing vehicles to qualify as emergency vehicles. This communication process, however, is time-consuming and requires costly paperwork and postage. Since the department already relies on the judgment of local officials to make its decision, it only makes sense to statutorily transfer this authority to them.

##### ***For:***

The bill would allow vehicles owned and operated by federally recognized nonprofit charitable organizations that were used exclusively for assisting during emergencies to qualify as emergency vehicles. This would enable vehicles used by, for example, the

House Bill 4017 (3-18-97)

American Red Cross during emergency situations to operate as emergency vehicles with red flashers under such circumstances.

***Against:***

The bill would give full authority for granting emergency vehicle status to firefighters vehicles solely to fire chiefs. This raises the possibility that this authority could be abused by fire chiefs who could award or block emergency vehicle status to firefighters' vehicles for reasons other than necessity. The bill should be amended to allow for some form of oversight to prevent this potential for abuse.

***Response:***

The bill would not increase the potential for abuse, since the current system simply provides rubber stamp approval of the fire chief's decision by the state police. Although, under the current system or the provisions of the bill, a lazy or malicious fire chief could abuse his or her authority, this would be unwise at best since the responsibility and liability for having granted emergency vehicle status rests on the fire chief.

***POSITIONS:***

The Department of State Police supports the bill. (3-14-97)

The Michigan Fire Chiefs support the bill. (3-14-97)

The Northern Michigan Fire Chiefs Association supports the bill. (3-14-97)

Analyst: W. Flory

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.