

USE OF EMERGENCY LIGHTS AND SIRENS

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Missouri's fire service relies on the ability of its members to efficiently respond during a time of emergency. Often, this response involves the use of a firefighter's personal vehicle equipped with emergency lights and a siren.

The Division of Fire Safety frequently receives phone calls from fire service and law enforcement personnel, as well as the public, who are often confused by the laws governing the use of lights and sirens in personal vehicles.

Since 1957, Missouri has had a law governing the use of emergency lights and sirens in personally owned motor vehicles operated by members of the fire service, commonly known as the "Blue Light Law". Authorization for a firefighter to use a blue light can only be provided by the fire chief of an organized fire department per RSMo 307.175, which reads:

Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022, RSMo, while responding to a fire call or ambulance call or at the scene of a fire call or ambulance call and while using or sounding a warning siren and using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights shall be used only in bona fide emergencies. Permits for the operation of such vehicles equipped with sirens or blue lights shall be in writing and shall be issued and may be revoked by the chief of an organized fire department, organized ambulance association, or rescue squad and no person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle so equipped with complying with all other traffic laws and regulations. Violation of this section constitutes a class A misdemeanor.

It's important to note the law specifically states the emergency vehicle operator is not relieved of complying with all other traffic laws and regulations when displaying a blue light.

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This "Blue Light Law" addresses what is commonly referred to as a "courtesy light" in that by displaying the blue light a responder is simply requesting the public to yield the right of way allowing the responder a more expedient response to an emergency.

Why is there confusion over the use of emergency lights and sirens on a responder's vehicle? The confusion probably stems from a second law passed in 1971 which modified the definition of an "emergency vehicle" and set guidelines for the use of lights and sirens when responding to an emergency.

This law, RSMo 304.022, reads in part:

Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, RSMo, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

And section 304.022.4(3), RSMo, further defines an "emergency vehicle" as:

Any vehicle qualifying as an emergency vehicle pursuant to section 307.175, RSMo (the Blue Light Law).

An Attorney General's opinion issued in 1972 (Opinion Number 152-72) concluded:

Fire trucks and ambulances, whether publicly owned or privately owned, operated by a member of an organized fire department or ambulance association, may display lighted red lights, or, with a permit from the chief of the organized fire department or ambulance association, may display a flashing blue light when responding to an emergency call, and the operators of such vehicles may park irrespective of the provisions of Sections 304.014 to 304.026, RSMo 1969; with caution, disregard stop signals, speed limits, and regulations requiring parking and turning of vehicles in specified directions, but comply with all other traffic laws and regulations, and the operator of all other vehicles on a street or highway, shall yield the right-of-way when such vehicle approaches.

So, what was a personal vehicle operating a "courtesy light" in one section of the law has now been elevated to the status of an emergency vehicle in another section of the law. Along with this elevation in status comes increased responsibility, accountability and in some cases, liability for actions taken while responding to an emergency.

The National Volunteer Fire Council reports approximately 25 percent of firefighters who are killed in the line of duty are responding to or returning from incidents. This represents the second leading cause of firefighter fatalities with heart attacks being first.

Another consideration is the legal ramifications of being involved in an accident which injures a member of the public, who responders have sworn to serve and protect. Cases

in Michigan and Missouri over the last few years should serve to remind us it is possible for even a well meaning responder to be subject to civil and even criminal liability if they do not exercise due caution in their response.

While it may ultimately be up to a department's board or fire chief to set the guidelines and policies for a firefighter's response to emergencies, it is up to each individual responder to take the personal initiative to choose to respond in a manner which is safe; not only safe for the responder, but also safe for the public, regardless of the color of the emergency light the responder displays upon their vehicle.

