

AMBULANCES:
MOTOR VEHICLES:
FIRE DEPARTMENT:
EMERGENCY VEHICLES:
MOTOR VEHICLE EQUIPMENT:

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.

OPINION NO. 152

June 20, 1972

Honorable John A. Grellner
Representative, District 40
7523 Weil
Shrewsbury, Missouri 63119



Dear Representative Grellner:

This is in response to your request for an opinion as follows:

"What color emergency lights are to be used by publicly owned fire equipment and ambulances?"

"Robert E. Watts, in his capacity as Fire Chief of Brentwood and President of the Greater St. Louis County Fire Chiefs Association consisting of 47 Fire Departments, are confused by Sections 304.022 and 307.175 as to whether red or blue lights should be used on fire trucks and ambulances."

Laws governing motor vehicles and their equipment is purely statutory.

Section 307.095, RSMo 1969, provides as follows:

"Headlamps, when lighted, shall exhibit lights substantially white in color; auxiliary lamps, cowllamps and spot lamps, when lighted, shall

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exhibit lights substantially white, yellow or amber in color. No person shall drive or move any vehicle or equipment, except a school bus when used for school purposes or an emergency vehicle upon any street or highway with any lamp or device thereon displaying a red light visible from directly in front thereof."

This section prohibits any person from driving any vehicle, except a school bus or an emergency vehicle, on any street or highway displaying a red light visible directly in front thereof.

We are unable to find any statute requiring an ambulance or fire truck to display a red or blue light.

In order to answer your question, two statutes enacted at the same time in one bill must be interpreted. The cardinal rule of statutory construction is to ascertain the intention of the lawmaking body and as far as possible to give effect to the intention of the legislature. If it is susceptible of more than one construction, it must be given that which will best effect its purpose rather than one which would defeat it, even though such construction is not within the strict literal interpretation of the statute. *Household Finance Corporation v. Robertson*, 364 S.W.2d 595 (Mo. banc 1963). Statutes in pari materia should be construed together and harmonized insofar as reasonably possible. *State v. Bern*, 322 S.W.2d 175 (Spr.Ct.App. 1959). The rule of construing statutes in pari materia is especially applicable where two statutes are enacted at the session of the General Assembly. *State v. Chadeayne*, 313 S.W.2d 757 (St.L.Ct.App. 1958) transferred to 323 S.W.2d 680 (Mo. banc 1959).

Sections 304.022 and 307.175, RSMo 1969, were repealed and reenacted by House Bill No. 113 of the 76th General Assembly in 1971. These statutes are in pari materia and should be construed together in arriving at the intention of the legislature.

Section 304.022, RSMo, as reenacted, reads as follows:

"1. 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,

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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.

"2. The motorman of every streetcar shall immediately stop such car clear or any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

"3. An 'emergency vehicle' is a vehicle of any of the following types:

(1) a vehicle operated as an ambulance, or a vehicle operated by the state highway patrol, police or fire department, sheriff, constable or deputy sheriff, traffic officer or coroner;

(2) Any vehicle qualifying as an emergency vehicle under section 307.175, RSMo;

(3) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service.

"4. (1) The driver of any vehicle referred to in subdivisions (1), (2), (3) of subsection 3 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when said vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.026;

(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 prima facie speed limit so long as he does not endanger life or property;

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(d) Disregard regulations governing direction of movement or turning in specified directions;

(3) The exemptions herein granted to an emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle."

This section defines the duties and responsibilities of persons operating such vehicles when traveling on the highways. It requires the driver of every other vehicle on the highway when an emergency vehicle approaches, sounding a siren or having lighted red light or flashing blue light to yield the right-of-way in the manner as provided therein. An ambulance or vehicle operated by the fire department is classified as an emergency vehicle. The provisions of this statute prior to its repeal applied only to publicly owned vehicles. As amended and reenacted it applies to both publicly owned and privately owned vehicles. It requires the drivers of all other vehicles on the highway to yield the right-of-way to such emergency vehicles when they approach with either a lighted red light or a flashing blue light displayed. It further provides that a driver of an emergency vehicle may park irrespective of the provisions of Sections 304.014 to 304.026, proceed past a red or stop signal or stop sign, only after slowing down as may be necessary for safe operation; exceed the prima facie speed limit so long as it does not endanger life or property and disregard regulations governing direction of movement or turning in specified directions, when such vehicle is responding to an emergency call and sounding a siren or exhaust whistle and displaying a lighted red light or a flashing blue light.

It is our opinion that under this statute an ambulance or a vehicle operated by a fire department, whether publicly owned or privately owned, may have a lighted red light or flashing blue light while traveling on a highway when such vehicle is responding to an emergency call and be exempt from the traffic laws and regulations as heretofore stated.

Section 307.175, RSMo Supp. 1971, provides as follows:

"Motor vehicles and equipment which are operated by any member of an organized fire department or ambulance association, whether

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paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of 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 while 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 or organized ambulance association and no person shall use or display a siren or blue lights on a motor vehicle and fire or ambulance equipment without a valid permit authorizing the use. 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 misdemeanor." (Emphasis supplied)

This section applies to members of an organized fire department or ambulance association operating motor vehicles or ambulances, whether the members are paid or volunteers, and whether the motor vehicle or equipment which they are operating is publicly or privately owned. It is not limited to fire trucks or ambulances but applies to any motor vehicle operated by members of an organized fire department or ambulance association. It does not apply to other emergency vehicles described in Section 304.022. It provides that such motor vehicles and equipment may be operated as emergency vehicles under Section 304.022 while responding to a fire call or ambulance call and while sounding a warning siren and while using or displaying flashing or rotating blue lights but sirens and blue lights are permitted only when used during bona fide emergencies.

As heretofore stated, there is no express provision by statute requiring fire trucks or ambulances to be equipped with red or blue lights other than red lights required on all motor vehicles. The statutes do grant certain privileges to persons operating such vehicles on streets or highways during an emergency when equipped with red or blue lights and require all other vehicles to yield the right-of-way when such vehicles approach during an emergency.

It is our opinion that under the provisions of the above statutes any motor vehicle, operated by members of an organized fire

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department or ambulance association whether paid or volunteer, including fire trucks and ambulances, whether publicly owned or privately owned, may be operated on the streets or highways while displaying a red light or with permission from the chief of the 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, disregard stop signals, speed limits, and regulations governing the parking or turning of such vehicles in specific directions, but must obey all other traffic laws and regulations, and the operators of all other vehicles on such street or highway shall yield the right-of-way when such vehicle approaches.

CONCLUSION

It is the opinion of this office that 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.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Moody Mansur.

Yours very truly,



JOHN C. DANFORTH
Attorney General