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STATE CAPITOL
PHOENIX, ARIZONA

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DEPARTMENT OF LAW LETTER OPINION NO. 68-21-L (R-88)

REQUESTED BY: COLONEL JAMES J. HEGARTY, SUPERINTENDENT,
ARIZONA HIGHWAY PATROL

- QUESTIONS:
1. Is a motor vehicle belonging to the F. B. I. classifiable as an authorized emergency vehicle?
 2. If the answer to question (1) is yes, what equipment must such vehicles possess in order to have this classification?

- ANSWERS:
1. Yes.
 2. See body of opinion.

A.R.S. § 28-102 provides:

"'Authorized emergency vehicle' means vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the commission or local authorities." (Emphasis added.)

"Police" is defined as a civil force organized for the purpose of maintaining order, enforcing the law, and preventing and detecting crime. 32A Words and Phrases, 366, 367, (Supp. 1967, at p. 27); Wyndham v. United States, (E.D. S.C. 1961) 197 F. Supp. 856, 859; Green v. City of Bennettsville, (1941) 197 S.C. 313, 15 S.E.2d 334, 337; Board of Canal and Locks Commissioners v. Willamette Transportation and Locks Company, (1877) 6 Or. 219, 220, 222. Webster's New International Dictionary of the English Language, 2d Ed., at p.

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1908, includes within its definition of "police" the following:

"3.a. The department of government charged with the enforcement of the laws, and the maintenance of public order, safety, health.

* * *

"the department of government charged with the prevention, detection, and prosecution of public nuisances, crimes, etc.

* * *

"b. The organized body or force of civil officials and officers in this department. . ."

Federal law authorizes the Federal Bureau of Investigation to serve warrants and subpoenas, carry firearms and make arrests.

"The Director, Associate Director, Assistant to the Director, Assistant Directors, inspectors, and agents of the Federal Bureau of Investigation of the Department of Justice may carry firearms, serve warrants and subpoenas issued under the authority of the United States and make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony." (June 25, 1948, chapter 645, 62 Stat. 817; Jan. 10, 1951, chapter 1221, § 1, 64 Stat. 1239); 18 U.S.C., § 3052 (1965).

Therefore, in answer to the first question, Federal Bureau of Investigation vehicles are classifiable as "authorized emergency vehicles" because they are "police" vehicles as prescribed by A.R.S. § 28-102.

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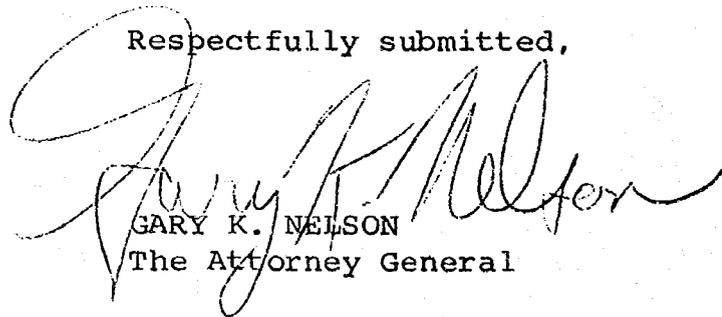
In order to take advantage of the immunities from Arizona Traffic Laws afforded to authorized emergency vehicles in A.R.S. § 28-624, a question of what equipment is necessary arises.

A.R.S. § 28-624(c) provides that the exemptions offered in this statute only applies ". . . when the driver of the vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary. . ." "Police" vehicles are not required to utilize red lights.

Because "authorized emergency vehicles" of a "police" nature are not required to utilize red lights, the only special equipment a Federal Bureau of Investigation vehicle would be required to have under Arizona law is a suitable sound device to warn motorists and pedestrians.

This opinion does not purport to answer the question of whether the federal supremacy doctrine would relieve Federal Bureau of Investigation Vehicles from limitations imposed on authorized emergency vehicles by Arizona law; nor, should it be construed as authority for relief from civil liability under specific factual situations.

Respectfully submitted,



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The Attorney General

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