

Library

January 29, 1954
Opinion No. 54-15

TO: The Honorable T. J. Mahoney
County Attorney of Pinal County
Florence, Arizona

RE: Section 66-151a (f) A.C.A. 1939,
1952 Supplement.

QUESTION: Where an ambulance or other vehicle has been designated or authorized an emergency vehicle by the local authorities, within what area may such vehicle be operated under the privileges set forth in Section 66-152d, A.C.A. 1939, 1952 Supplement.

Section 66-151a (f), supra, defines "authorized emergency vehicles":

"(f) Authorized Emergency Vehicles. 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 the local authorities."

"Local Authorities" are defined in Section 66-151L, A.C.A. 1939, 1952 Supplement, as follows:

"66-151L. Definitions-Local Authorities.-Every county, municipal, and other local board or body exercising jurisdiction over highways under the constitution and laws of this state."

Privileges extended to emergency vehicles are set out in Section 66-152d, supra:

"66-152d. Authorized Emergency Vehicles.-(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this act (§§ 66-151--66-189);
 2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 3. Exceed the prima facie speed limits so long as he does not endanger life or property;
 4. Disregard regulations governing ~~direction~~ of movement or turning in specified ~~directions~~.
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said 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 (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
- (d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard of the safety of others."

The problem arises when we read Section 66-152d, supra, together with Section 66-153a, A.C.A. 1939, 1952 Supplement, which provides:

"66-153a. Powers of Local Authorities.-(a) The provisions of this act (66-151--66-189) shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles;
2. Regulating traffic by means of police officers or traffic-control signals;
3. Regulating or prohibiting processions or assemblages on the highways;

4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one (1) specific direction;
 5. Regulating the speed of vehicles in public parks;
 6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection and requiring all vehicles to stop at one (1) or more entrances to such intersection;
 7. Restricting the use of highways as authorized in Section 167 of this act (§ 66-185k);
 8. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;
 9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
 10. Altering the prima facie speed limits as authorized herein;
 11. Adopting such other traffic regulations as are specifically authorized by this Act.
- (b) No local authority shall erect or maintain any stop sign or traffic-control signal at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the commission.
- (c) No ordinance or regulation enacted under subdivisions (4), (5), (6), (7), (9), or (10), or Section 28 (a) shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate."

Does this latter section in any way limit or qualify the privileges extended to emergency vehicles by Section 66-152d, supra?

In order to determine when and where the laws pertaining to "Use of Highways by Vehicles" are applicable, it is necessary to refer to

Section 66-153, A.C.A. 1939, 1952 Supplement:

"66-153. Provisions of Act uniform throughout State.-The provisions of this act (§§ 66-151--66-189) shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule, or regulation in conflict with the provisions of this act unless expressly authorized herein. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this act."

This section specifically provides that local authorities must be expressly authorized by law before they can enact or enforce ordinances, rules or regulations in conflict with the provisions of Sections 66-151--66-189, A.C.A. 1939, 1952 Supplement, inclusive.

Section 66-153a, supra, contains no provision authorizing the local authorities to enact or enforce ordinances, rules or regulations, which are in conflict with the provisions of Section 66-152d, supra. This being the case, it logically follows that the privileges contained within the latter section apply throughout the state, regardless of local regulations. For instance, the local authorities may have the power to regulate where a stop light shall be erected but they have no power whatever to enforce adherence to such stop light when a driver of an authorized emergency vehicle is exercising the privileges extended him, subject, of course, to the conditions also imposed by Section 66-152d, supra.

It is the conclusion of this office that the driver of an emergency vehicle designated as such by local authorities of a county may exercise the privileges hereinbefore mentioned in any municipality or county of the state, provided the vehicle is answering an emergency call.

ROSS F. JONES
The Attorney General

EARL E. WEEKS
Assistant to the
Attorney General

W:c