

MAINE STATE LEGISLATURE

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ACTIVITY SHEET

COMMITTEE: TRANSPORTATOIN

LD #: 243

TITLE: An Act To Allow Emergency Responders To Equip Their Vehicles
With 2 Emergency Flashing Lights

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HEARING DATE:

February 8, 2005

WORK SESSION DATES:

February 11, 2005

March 24, 2005

REPORTED OUT DATE:

April 28, 05

COMMITTEE REPORT:

OTPA M



# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 243

H.P. 182

House of Representatives, January 18, 2005

### **An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights**

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Reference to the Committee on Transportation suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative DAVIS of Falmouth.  
Cosponsored by Representative: EDGECOMB of Caribou.

Be it enacted by the People of the State of Maine as follows:

2           **Sec. 1. 29-A MRSA §2054, sub-§1, ¶B**, as amended by PL 2003, c.  
4 451, Pt. T, §14, is further amended by amending subparagraphs  
6 (17) and (18) to read:

8           (17) A vehicle operated by a qualified deputy sheriff  
10 or other qualified individual to perform court  
12 security-related functions and services as authorized  
14 by the State Court Administrator pursuant to Title 4,  
section 17, subsection 15; or

16           (18) A Federal Government vehicle operated by a  
18 federal law enforcement officer;

20           **Sec. 2. 29-A MRSA §2054, sub-§1, ¶B**, as amended by PL 2003, c.  
22 451, Pt. T, §14, is further amended by enacting subparagraphs  
24 (19) and (20) to read:

26           (19) A personal vehicle operated by an active member  
28 of a municipal or volunteer fire department, only when  
30 the member is en route to or at the scene of a fire or  
32 other emergency; or

34           (20) A personal vehicle operated by an active member  
36 of a municipal emergency medical service, only when the  
38 member is en route to or at the scene of an emergency.

40           **Sec. 3. 29-A MRSA §2054, sub-§2, ¶A**, as enacted by PL 1993, c.  
42 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

44           A. Only an ambulance; an emergency medical service vehicle;  
46 a fire department vehicle; a police vehicle; a Department of  
Conservation vehicle used for forest fire control; a  
Department of Corrections vehicle as described in subsection  
1, paragraph B, subparagraph (6); a personal vehicle  
operated by an active member of a municipal or volunteer  
fire department or an emergency medical service, only when  
the member is en route to or at the scene of a fire or other  
emergency; and a highway maintenance vehicle may be equipped  
with a device that provides for alternate flashing of the  
vehicle's headlights.

48           **Sec. 4. 29-A MRSA §2054, sub-§2, ¶F**, as amended by PL 2003, c.  
510, Pt. C, §9 and affected by c. 599, §§12 and 13, is further  
amended to read:

F. Only vehicles listed in this paragraph, rural mail  
vehicles as provided in paragraph C, subparagraph (5) and

2 school buses may be equipped with, display or use a red  
auxiliary or emergency light.

4 (1) Emergency lights used on an ambulance, an  
emergency medical service vehicle, a fire department  
6 vehicle, a fire vehicle or a hazardous material  
response vehicle must emit a red light or a combination  
8 of red and white light.

10 (2) The municipal officers or a municipal official  
designated by the municipal officers, with the approval  
12 of the fire chief, may authorize an active member of a  
municipal or volunteer fire department to use a  
14 flashing red signal light not more than 5 inches in  
diameter any combination of 2 flashing red or white  
16 lights on a vehicle. The light lights may be displayed  
but may be used only while the member is en route to or  
18 at the scene of a fire or other emergency. The light  
lights must be mounted as near as practicable above the  
20 registration plate on the front of the vehicle or on  
the dashboard. A light mounted on the dashboard must  
22 be shielded so that the emitted light does not  
interfere with the operator's vision.

24 (3) Members of an emergency medical service licensed  
26 by Maine Emergency Medical Services may display and use  
lights on a vehicle a flashing red signal light of the  
28 same proportion, in the same location and under the  
same conditions as those permitted municipal and  
30 volunteer firefighters, when authorized by the chief  
official of the emergency medical service.

32 Sec. 5. 29-A MRSA §2054, sub-§10 is enacted to read:

34 10. Use of lights; requirements; revocation. Prior to  
36 exercising the privilege of using emergency lights granted under  
subsection 2, paragraph F, an active member of a municipal or  
38 volunteer fire department or an emergency medical service  
operating a vehicle listed under subsection 1, paragraph B,  
40 subparagraphs (19) and (20) must have completed a state-certified  
emergency vehicle operators or emergency ambulance operators  
42 course.

44 The privilege of using lights may be revoked at any time by the  
fire chief or the chief official of the emergency medical service  
46 for misconduct.

## SUMMARY

2           This bill permits municipal and volunteer firefighters and  
4 emergency medical services personnel to use any combination of 2  
6 flashing red or white lights on personal vehicles while en route  
8 to or at the scene of fires or other emergencies. It also  
10 provides that such vehicles are covered by the rules of operation  
applying to authorized emergency vehicles. The bill also  
requires that a person may use flashing lights on a personal  
vehicle only upon completion of a state-certified emergency  
vehicle operators or emergency ambulance operators course.

STATE OF MAINE  
122ND LEGISLATURE

LEGISLATIVE NOTICES

**REVISED**

1/25/Ad  
1/26

JOINT STANDING COMMITTEE ON TRANSPORTATION

Sen. Dennis Damon, Senate Chair  
Rep. Boyd P. Marley, House Chair

PUBLIC HEARING: Tuesday, February 8, 2005, 1:00 pm, Room 126 State House

- (L.D. 172) Bill "An Act Requiring Protective Headgear for All Operators and Passengers on Motorcycles, Motor-driven Cycles and Mopeds BY REQUEST" (H.P.0123) (Presented by Representative WHEELER, SR. of Kittery) (Cosponsored by Senator ANDREWS of York, Representative THOMPSON of China, Representative CAIN of Orono, Representative CANAVAN of Waterville, Representative LEWIN of Eliot)
- (L.D. 280) Bill "An Act To Amend the Penalties Involving High-speed Vehicle Pursuits" (H.P.0205) (Presented by Representative MAKAS of Lewiston) (Cosponsored by Senator DIAMOND of Cumberland, Senator ANDREWS of York, Senator JOHNSON of York, Senator NORTON of Androscoggin, Representative BLANCHETTE of Bangor, Representative CHURCHILL of Washburn, Representative GREELEY of Levant, Representative GROSE of Woolwich, Representative PARADIS, JR. of Frenchville)
- (L.D. 232) Bill "An Act To Enhance Highway Safety" (H.P.0171) (Presented by Representative TRAHAN of Waldoboro) (Cosponsored by Senator DOW of Lincoln, Representative BRYANT-DESCHENE of Turner, Representative CROSTHWAITE of Ellsworth, Representative MCKANE of Newcastle, Representative MCLEOD, SR. of Lee, Representative RECTOR of Thomaston, Representative TARDY of Newport)
- (L.D. 243) Bill "An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights" (H.P.0182) (Presented by Representative DAVIS of Falmouth) (Cosponsored by Representative EDGECOMB of Caribou)
- (L.D. 255) Bill "An Act To Require a Person Operating Farm Equipment on Public Roads To Be Adequately Trained" (H.P.0194) (Presented by Representative JACKSON of Fort Kent) (Cosponsored by Senator MARTIN of Aroostook, Senator BRYANT of Oxford, Representative BROWNE of Vassalboro, Representative FISHER of Brewer, Representative HOGAN, SR. of Old Orchard Beach, Representative PARADIS, JR. of Frenchville, Representative SAMPSON of Auburn)

*Cancelled will  
re-ref to CRS*

**POSTPONED** **POSTPONED** **POSTPONED**  
*cancelled*

CONTACT PERSON:

Kathie Bilodeau  
100 State House Station  
Augusta, ME 04333-0100  
287-4148

# TESTIMONY SIGN IN SHEET

COMMITTEE ON TRANSPORTATION

DATE: February 8, 2005

L.D.# or CONFIRMATION: 243

| NAME                           | TOWN/AFFILIATION | PROPONENT | OPPONENT | NEITHER |
|--------------------------------|------------------|-----------|----------|---------|
| 1. Chris Grotten               | MSP              |           | X        |         |
| 2. Dwight Corning              | Moore End        |           |          |         |
| 3. Dick Wood                   | GRAY MF          |           | ✓        |         |
| 4. Bruce Bell                  | MF B             |           | r        |         |
| 5. <del>Michael</del> J. Paris | J. Paris         |           |          | ✓       |
| 6.                             |                  |           |          |         |
| 7.                             |                  |           |          |         |
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| 19.                            |                  |           |          |         |

**TESTIMONY OF LT. CHRISTOPHER GROTTON  
MAINE STATE POLICE**

**In Opposition to LD 243**

***An Act To Allow First Responders To Equip Their Vehicles With 2 Emergency  
Flashing Lights***

**Presented by Representative Davis**

**Hearing: February 08, 2005**

SENATOR DAMON, REPRESENTATIVE MARLEY, MEMBERS OF THE JOINT STANDING COMMITTEE ON TRANSPORTATION. MY NAME IS LT. CHRIS GROTTON, AND I AM HERE TO REPRESENT THE DEPARTMENT OF PUBLIC SAFETY AND THE MAINE STATE POLICE IN OPPOSITION TO LD 243.

UNDER CURRENT MAINE LAW, A VOLUNTEER FIREFIGHTER MAY BE AUTHORIZED TO DISPLAY ONE RED LIGHT ON THE FRONT OF THEIR PERSONAL VEHICLE. THIS LIGHT ALLOWS NO SPECIAL PRIVILEGES, NOR DOES IT OBLIGATE THE MOTORING PUBLIC TO YIELD THE RIGHT OF WAY OR OTHERWISE ALTER THEIR DRIVING BEHAVIOR. THE MOTORING PUBLIC DOES IN FACT, OFTEN YIELD TO VOLUNTEER FIREFIGHTERS WHEN THEY OBSERVE THE RED LIGHT.

THE ADDITION OF PRIVATE, PERSONAL VEHICLES TO THE CURRENT LIST OF "AUTHORIZED EMERGENCY VEHICLES" WOULD SIGNIFICANTLY CHANGE THE CURRENT PRACTICES OF THE MOTORING PUBLIC. THIS CREATES A POTENTIALLY DANGEROUS SITUATION NOT ONLY FOR THE VOLUNTEER FIREFIGHTER, BUT FOR THE GENERAL PUBLIC AS WELL. BY ADDING THESE VEHICLES TO THE LIST OF AUTHORIZED EMERGENCY VEHICLES, SIRENS WOULD NO LONGER BE PROHIBITED FROM THESE VEHICLES. THIS WOULD ALLOW FIRST RESPONDERS TO EXERCISE ALL OF THE PRIVILEGES OF POLICE, FIRE, AND EMS VEHICLES. MOTORISTS WOULD BE REQUIRED TO YIELD THE RIGHT OF WAY, AND REACT IN

THE SAME WAY THEY WOULD FOR A FULLY MARKED POLICE CRUISER, AMBULANCE, OR FIRETRUCK.

THERE ARE MANY ISSUES AND CONCERNS CREATED BY THE OPERATION OF THESE PERSONAL VEHICLES IN THIS MANNER. THEY INCLUDE THE RESPONSIBILITY FOR INSURANCE COVERAGE AND POTENTIAL LIABILITY FOR THE OPERATION OF THESE VEHICLES, AND THE QUESTIONABLE SAFETY OF VEHICLES THAT ARE NOT DESIGNED, RATED, OR WARRANTED TO BE OPERATED AT HIGH RATES OF SPEED. ALTHOUGH MANY FIRE DEPARTMENTS CONDUCT REGULAR TRAINING IN THE OPERATION OF FIRE APPARATUS, THE REQUIRED SKILLS AND ABILITIES NECESSARY TO SAFELY OPERATE THESE LARGE, WELL MARKED EMERGENCY VEHICLES ARE VERY DIFFERENT FROM THE OPERATION OF A FAMILY CAR OR SUV.....POTENTIALLY AT HIGH SPEEDS IN HEAVY TRAFFIC.

THE MAINE FIRE COMMISSION HAS STUDIED THE ISSUE OF PERSONAL VEHICLE WARNING LIGHTS, AND WE WOULD SUGGEST THAT THEIR RECOMMENDATIONS BE REVIEWED AND CONSIDERED AS POTENTIAL AMENDMENTS TO CURRENT LAW.

IT IS OUR OPINION THAT THE PUBLIC INTEREST IS NOT WELL SERVED BY ADDING PRIVATE VEHICLES TO THE CURRENT LIST OF AUTHORIZED EMERGENCY VEHICLES.

I URGE YOU ON BEHALF OF THE DEPARTMENT OF PUBLIC SAFETY AND THE MAINE STATE POLICE TO VOTE AGAINST THIS BILL, AND I WOULD BE HAPPY TO ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE.



STATE OF MAINE  
Maine Fire Protection Services  
Commission  
52 State House Station  
Augusta, ME 04333-0052

JOHN ELIAS BALDACCI  
GOVERNOR

MICHAEL P. CANTARA  
COMMISSIONER

DARREL G. FOURNIER  
CHAIR

February 8, 2005

Senator Dennis Damon, Chair  
Representative Boyd Marley, Chair  
Joint Standing Committee on Transportation  
Maine Legislature  
100 State House Station  
Augusta, Maine 04333

**RE: L.D. 243 "An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights"**

Senator Damon, Representative Marley and Members of the Joint Standing Committee on Transportation:

The Maine Fire Protection Services Commission appreciates the opportunity to submit written comments regarding L.D. 243 "An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights". The Fire Commission was established in 2000 by the Maine Legislature to monitor and evaluate Maine's fire protection services system. The Fire Commission is charged with regularly advising the Legislature and the Governor and providing recommendations regarding necessary changes to Maine's fire services system.

The Fire Commission represents numerous fire and emergency service interests in Maine. Members include representatives from the Maine Legislature, Governor's Office, Professional Fire Fighters, Maine State Federation of Fire Fighters, Maine Fire Chiefs, State Fire Marshal, Maine Fire Training and Education, Maine Emergency Medical Services, Maine Emergency Management Agency, Maine Department of Labor (Bureau of Labor Standards), Maine Forest Service and the public. Members represent fulltime, call and volunteer firefighters.

In May 2003, the Transportation Committee asked the Fire Commission to study the issue of the use of lights and sirens on the personal vehicles of emergency responders en route to or at the scene of a fire or other emergency. The Fire Commission was asked to report back to the Transportation Committee with its findings and recommendations. The Fire Commission reported back to the Transportation Committee in February 2004 and recommended the following changes regarding the use of lights on personal vehicles (see attached letter).

The Fire Commission met on February 7, 2005 and reviewed L.D 243 "An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights". The Fire Commission voted unanimously to reiterate support of their 2004 recommendations to the Transportation Committee regarding the use of lights on personal vehicles of emergency responders en route to a fire or other emergency. The Fire Commission also voted unanimously to not support any changes to the law that would alter the definition of an emergency vehicle at this time.

The Maine Fire Protection Services Commission respectfully thanks the Transportation Committee for the opportunity to submit comments on L.D. 243 "An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights". The Fire Commission will be available to offer additional comments or answer any questions of the Transportation Committee.

Respectfully submitted,

*Darrel Fournier* (SMP)

Chief Darrel G. Fournier  
Chair



STATE OF MAINE  
MAINE FIRE PROTECTION SERVICES COMMISSION  
52 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0052

JOHN ELIAS BALDACCI  
GOVERNOR

February 1, 2004

Senator Pamela Henderson Hatch, Chair  
Representative Ronald E. Usher, Chair  
Joint Standing Committee on Transportation  
Maine Legislature  
100 State House Station  
Augusta, Maine 04333

**Report: The Use of Lights and Sirens on the Personal Vehicles of Emergency Responders En Route to a Fire or Other Emergency**

Senator Hatch, Representative Usher and Members of the Joint Standing Committee on Transportation,

The Maine Legislature established the Maine Fire Protection Services Commission in 2000 to monitor and evaluate the State's fire protection services system. The Fire Commission is charged with regularly advising the Legislature and the Governor and providing recommendations regarding necessary changes to Maine's fire protection services system.

In 2003, during the first regular session of the 121<sup>st</sup> Legislature, the Transportation Committee voted Ought Not to Pass on LD 111 "An Act to Allow Volunteer Firefighters to Use Flashing Red Lights When Responding to a Fire" and LD 493 "An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and Emergency Personnel". These two bills would allow municipal and volunteer firefighters to use sirens and flashing red, white and amber lights on their personal vehicles while en route to or at the scene of a fire or other emergency. In May of 2003, the Transportation Committee sent the Fire Commission a letter requesting that the Fire Commission study the issue and report back to the Transportation Committee in January 2004 with its findings and recommendations.

The Fire Commission appreciates the opportunity to comment on the issue of the use of lights and sirens on the personal vehicles of emergency responders. The Fire Commission discussed the issue at the November 3rd, December 1st and January 5<sup>th</sup> meetings, taking public comments at the November meeting. After numerous deliberations the Fire Commission unanimously make the following recommendations to the Transportation Committee:

1. Sirens- the Fire Commission recommends that at this time present Maine law not be changed regarding the use of sirens on the personal vehicles of emergency responders en route or at the scene of a fire or other emergency.
2. Lights- the Fire Commission recommends the following changes to present Maine law regarding the use of lights on the personal vehicles of emergency responders en route to a fire or other emergency.

**Sec.1. 29-A MRSA §2054, sub-§2, ¶C, sub- ¶1 is amended to read:**

C. The use of amber lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by civil defense and public safety agencies and a public utility emergency service vehicle may be equipped with auxiliary lights that emit an amber light. A personal fire vehicle authorized under paragraph F, sub-paragraph 2 may be equipped with and display auxiliary lights that emit an amber light visible up to 360 degrees only if the vehicle is at the scene of a fire or other emergency and the vehicle is stationary.

**Sec.2. 29-A MRSA §2054, sub-§2, ¶F, sub- ¶2 is amended to read:**

F. Only vehicles listed in this paragraph, rural mail vehicles as provided in paragraph C, subparagraph (5) and school buses may be equipped with, display or use a red auxiliary or emergency light.

(1) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle, a fire vehicle or a hazardous material response vehicle must emit a red light or a combination of red and white light and may be equipped with one blue light mounted at the rear of the vehicle so that the light is visible to approaching traffic.

(2) The municipal officers or a municipal official designated by the municipal officers, with the approval of the fire chief, may authorize an active member of a municipal or volunteer fire department to use ~~a flashing red signal light~~ red lights or a combination of red and white lights of a size capable of being mounted above the front bumper and below the roof of the vehicle, not more than 5 inches in diameter on a vehicle. The light ~~or lights~~ may be displayed but may be used only while the member is en route to or at the scene of a fire or other emergency. The light or lights must be mounted on the front of the vehicle and in a manner as near as practicable above the registration plate on the front of the vehicle or on the dashboard. A light mounted on the dashboard must be shielded so that the emitted light does not interfere with the operator's vision.

(3) Members of an emergency medical service licensed by Maine Emergency Medical Services may display and use on a vehicle ~~a flashing red signal light~~ red lights or a combination of red and white lights of the same proportion, in the same location and under the same conditions as those permitted municipal and volunteer firefighters, when authorized by the chief official of the emergency medical service.

The Maine Fire Protection Services Commission looks forward to meeting with the Transportation Committee on February 17<sup>th</sup> to discuss their recommendations.

RESPECTFULLY SUBMITTED,

  
(SMP)

CHIEF DARREL G. FOURNIER

## **Maine State Federation of Fire Fighters Legislative Memo**

**To: Joint Standing Committee on Transportation**

**RE: LD# :243 An Act To Allow Emergency Responders To Equip Their Vehicles  
With 2 Flashing Lights**

**Date: February 8, 2005**

The legislative committee of the Maine State Federation of Fire Fighters, representing more than 10,000 permanent, volunteer and call fire fighters throughout the State of Maine, has voted to oppose LD 243, *An Act To Allow Emergency Responders To Equip Their Vehicles With 2 Flashing Lights*. We recognize that the proponents of this bill are well intentioned. We oppose it, however, for the following reasons:

1. **Effectiveness.** Emergency vehicles are special and the public recognizes them that way. Red lights, and sirens signal others to make way. The reason they are effective though in because they are *unique*. We are concerned that a proliferation of additional lights and sirens will dilute their effectiveness. Although there are problems in certain areas, most people still recognize and respect a flashing red or blue light or siren. We are therefore concerned that additional lights and sirens could actually increase the very problem the proponents have designed this bill to remedy.
2. **Compliance.** Maine fire departments and volunteer fire fighters have always had positive relationships with their communities. That respect and credibility comes from the hard work and dedication of the members of those departments. While we recognize that this bill limits those who are entitled to use lights and sirens, we still think it will be very difficult to ensure that everyone complies with the laws. A few bad apples can spoil the work and efforts of many dedicated volunteers.
3. **Safety.** We are also concerned about safety. Personal vehicles are not designed to be used as emergency vehicles. Although this bill would require those using the lights to complete a state certified, emergency vehicle operators course, we still feel that use of lights and sirens creates extra risks for the operators.
4. **Liability.** Under this bill, individuals authorized to run lights on their personal vehicles are doing so under the direction of the department. This bill therefore creates the potential for increased liability and liability costs for towns and cities by increasing dramatically the number of Amunicipal vehicles@ on the road. If a designated first responder is involved in an accident on the way to an emergency, insurers may contend that those vehicles are Amunicipal vehicles@ acting within the course and scope of a municipal function. We fear that this could dramatically increase the cost of municipal insurance. That increased cost could diminish resources available to fund other vital emergency service within cities and towns.

Additionally, private, nonprofit fire companies serve many small towns in Maine. An additional insurance cost for those small entities could put them out of business. That would deny the State an important and vital resource in providing emergency services in small communities.

5. **Increased Personal Insurance Costs.** The insurers of volunteer fire fighters using emergency lights will almost certainly be concerned about the fact that their insureds are using their personal vehicles as emergency vehicles. Although one can argue that use of the lights and sirens is an individual choice, the fact that most fire fighters *could* use emergency lights might cause the insurance industry to reevaluate the way it rates volunteer fire fighters *as a group*. If that were to happen, it could affect rates for all fire fighters, not just those using emergency lights and sirens. The fire service is already experiencing severe shortages in many places in Maine. It does not need any additional barriers to recruitment.
6. **Denial of Coverage.** Many automobile insurance policies carry exclusions for commercial or emergency activities. It is therefore possible that many volunteer firefighters could unwittingly convert their private vehicles to Apublic@ or Amunicipal@ vehicles. They may therefore suddenly find themselves Auninsured@ at a time they need insurance most. This would not only be a problem for individual fire fighters. It would also be a problem for those injured in collisions with them.
7. **They are just not necessary.** Volunteers have been responding to emergencies for years. While volunteers are sometimes delayed in traffic when responding, we are not aware of any studies that show that such delays have caused great catastrophes in Maine or elsewhere. When responders, especially volunteers, cannot get to fire or emergency scenes, it is usually because there is no one to respond, not because traffic has delayed them.

For more than 25 years someone has introduced a bill similar to this one in every legislature. Our organization has been consistent in its opposition to this type of legislation. In recent legislatures several bills of this type, including this one have limited the right to use lights and sirens to individuals who have completed a state certified emergency vehicle operators course. While we believe firmly that any training is a good thing, we do not believe that taking an emergency operators course addresses any of the issues that concern us about this bill.

We therefore urge the committee to vote no on LD 243.

If the committee would like more information about our position, I or a member of our organization would be happy to provide it.

**Testimony of Dwight Corning, Training & Education Coordinator  
Maine Emergency Medical Services  
Department of Public Safety**

**(In Opposition to) L.D. 243**

**An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency  
Flashing Lights**

**BEFORE THE JOINT STANDING COMMITTEE ON TRANSPORTATION**

**Sponsored by: Rep. G. Davis**

**Co Sponsored by: Rep Edgcomb**

**HEARING DATE: February 8, 2005, 1:00 p.m., Room 126, State House**

Senator Damon, Representative Marley, and members of the Joint Standing Committee on Transportation:

As we have reviewed this bill, there are two components that seem to stand out: designation of personal vehicles as "authorized emergency vehicles" and the lighting configuration of same.

The issue of emergency lights on personal vehicles is one that seems to surface again with each Legislative session. This is understandable given the importance of appropriately alerting the public to approaching vehicles responding to emergency situations.

However, in approaching changes to the current law, one must be mindful of the full impact of expanding emergency lighting and warning signals. It was with these interests and concerns in mind that during the 121<sup>st</sup> session, this Committee requested that the Maine Fire Protection Services Commission to review the existing statute and the emergency response needs, and then provide its recommendation to the Committee.

That recommendation was provided in a letter dated 2/1/2004, and is attached for your reference.

Maine EMS was involved in that discussion and supports the recommendations made at that time for a single light as described in the letter.

Given that this matter was the subject of a detailed review by a Commission tasked with this project, we submit that the Commission's recommendation was, and is, the appropriate manner in which to address emergency lighting on personal vehicles.

However, the section that would designate personal vehicles as "authorized emergency vehicles" is very concerning to us, and is one we oppose.

Authorized emergency vehicles are permitted to have sirens, bells, and other warning devices to alert the public to their response, and are given a number of operational privileges. Authorized

emergency vehicles are permitted to exceed the posted speed limit, are not required to come to a full stop at intersections, proceed through red traffic lights, operate opposite traffic on one-way roads, and require other vehicles to yield the right of way (with a penalty for failure to do so).

We submit that extending this privilege to personal vehicles is not in the best interest of either the public, or the emergency responder.

The bill does include reference to emergency vehicle operation training; however, with regard to the Ambulance Vehicle Operator Course, there is very little in that program that applies to personal vehicles (outside of basic maintenance items such as tire pressure, mirror adjustment, etc.). The only hands-on driving that takes place is done to provide an opportunity for the student to have the experience of driving an ambulance – and in particular, the experience of backing up a vehicle using only the side mirrors.

We strongly support the AVOC program; however, that course was neither designed nor intended to train drivers in operation of a personal vehicle in emergency mode.

Thank you for the opportunity to provide this information to the Committee. I will be happy to answer any questions you may have for me at this time, and to be available for your work session.

February 1, 2004

Senator Pamela Henderson Hatch, Chair  
Representative Ronald E. Usher, Chair  
Joint Standing Committee on Transportation  
Maine Legislature  
100 State House Station  
Augusta, Maine 04333

**Report: The Use of Lights and Sirens on the Personal Vehicles of  
Emergency Responders En Route to a Fire or Other Emergency**

Senator Hatch, Representative Usher and Members of the Joint Standing  
Committee on Transportation,

The Maine Legislature established the Maine Fire Protection Services Commission in 2000 to monitor and evaluate the State's fire protection services system. The Fire Commission is charged with regularly advising the Legislature and the Governor and providing recommendations regarding necessary changes to Maine's fire protection services system.

In 2003, during the first regular session of the 121<sup>st</sup> Legislature, the Transportation Committee voted Ought Not to Pass on LD 111 "An Act to Allow Volunteer Firefighters to Use Flashing Red Lights When Responding to a Fire" and LD 493 "An Act Regarding the Use of Lights and Sirens on Personal Vehicles Used by Volunteer Firefighters and Emergency Personnel". These two bills would allow municipal and volunteer firefighters to use sirens and flashing red, white and amber lights on their personal vehicles while en route to or at the scene of a fire or other emergency. In May of 2003, the Transportation Committee sent the Fire Commission a letter requesting that the Fire Commission study the issue and report back to the Transportation Committee in January 2004 with its findings and recommendations.

The Fire Commission appreciates the opportunity to comment on the issue of the use of lights and sirens on the personal vehicles of emergency responders. The Fire Commission discussed the issue at the November 3rd, December 1st and January 5<sup>th</sup> meetings, taking public comments at the November meeting. After numerous deliberations the Fire Commission unanimously make the following recommendations to the Transportation Committee:

1. Sirens- the Fire Commission recommends that at this time present Maine law not be changed regarding the use of sirens on the personal vehicles of emergency responders en route or at the scene of a fire or other emergency.
2. Lights- the Fire Commission recommends the following changes to present Maine law regarding the use of lights on the personal vehicles of emergency responders en route to a fire or other emergency.

**Sec.1. 29-A MRSA §2054, sub-§2, ¶C, sub- ¶1 is amended to read:**

C. The use of amber lights on vehicles is governed by the following.

(1) A vehicle engaged in highway maintenance or in emergency rescue operations by civil defense and public safety agencies and a public utility emergency service vehicle may be equipped with auxiliary lights that emit an amber light. A personal fire vehicle authorized under paragraph F, sub-paragraph 2 may be equipped with and display auxiliary lights that emit an amber light visible up to 360 degrees only if the vehicle is at the scene of a fire or other emergency and the vehicle is stationary.

**Sec.2. 29-A MRSA §2054, sub-§2, ¶F, sub- ¶2 is amended to read:**

F. Only vehicles listed in this paragraph, rural mail vehicles as provided in paragraph C, subparagraph (5) and school buses may be equipped with, display or use a red auxiliary or emergency light.

(1) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle, a fire vehicle or a hazardous material response vehicle must emit a red light or a combination of red and white light and may be equipped with one blue light mounted at the rear of the vehicle so that the light is visible to approaching traffic.

(2) The municipal officers or a municipal official designated by the municipal officers, with the approval of the fire chief, may authorize an active member of a municipal or volunteer fire department to use ~~a flashing red signal light~~ red lights or a combination of red and white lights of a size capable of being mounted above the front bumper and below the roof of the vehicle, not more than 5 inches in diameter on a vehicle. The light or lights may be displayed but may be used only while the member is en route to or at the scene of a fire or other emergency. The light or lights must be mounted on the front of the vehicle and in a manner as near as practicable above the registration plate on the front of the vehicle or on the dashboard. A

~~light mounted on the dashboard must be shielded~~ so that the emitted light does not interfere with the operator's vision.

(3) Members of an emergency medical service licensed by Maine Emergency Medical Services may display and use on a vehicle a ~~flashing red signal light~~ red lights or a combination of red and white lights of the same proportion, in the same location and under the same conditions as those permitted municipal and volunteer firefighters, when authorized by the chief official of the emergency medical service.

The Maine Fire Protection Services Commission looks forward to meeting with the Transportation Committee on February 17<sup>th</sup> to discuss their recommendations.

RESPECTFULLY SUBMITTED,

CHIEF DARREL G. FOURNIER  
CHAIR  
MAINE FIRE PROTECTION  
SERVICES COMMISSION

**Search Terms:** Lights and sirens, liability, overused lights and sirens, curtailment, complete abandonment of lights and sirens, EMS vehicle operators, excessive siren use, ambulance accident, medical priority dispatching, JEMS, 1996, emergency service organizations, medical malpractice, emergency vehicles, privilege, due regard, medical negligence, right of way, warning devices, common-sense protocols, Doug Wolfberg, JEMS, 1996

## Journal of Emergency Medical Service (JEMS), February 1996

Doug Wolfberg

### Lights, Sirens and Liability

I'm going to begin this column by stating a bias up front: I believe that lights and sirens are overused by EMS providers. I also believe that light-and-siren use probably *causes* more deaths and injuries than it saves or prevents. Moreover, light-and-siren use leads to careless driving by overexcited drivers and is one of the most insidious contributors to EMS liability. In this month's column, I am going to construct an argument for the serious curtailment, if not complete abandonment, of light-and-siren use by EMS vehicle operators. This argument will be based on scientific literature, case law and personal observations. I'll start with the personal observations.

I'm the first to admit that the prospect of being able to play with lights and sirens was a big part of the appeal of getting into EMS, but that was when I was a teenager. I came to outgrow the excitement generated by lights and sirens. As time progressed, I realized that working in EMS was more about providing quality patient care, having compassion for the sick and injured, and obtaining as much training and education as I could to become the caregiver I was capable of becoming.

Throughout my 15 years in EMS, I began to more closely observe the effect that lights and sirens could have on an emergency response. While the use of lights and sirens may have gotten me to my destination a little more quickly, I realized that light-and-siren use itself causes dangers. I witnessed instantaneous panic reactions among automobile drivers who, after being approached by a fast-moving ambulance with siren yelping and lights blazing, didn't know whether to stop, swerve, pull over or just keep going. Many such drivers became hazards to themselves, to other vehicles, and to the EMS crew and patient. Moreover, excessive siren use can be a real annoyance to residents who live in the vicinity of your station. This annoyance can hurt public relations and fund-raising, as well as prompt angry residents to petition your town council for a noise ordinance restricting siren use in

the vicinity of the station or at certain times of the day.

### **My Ambulance Crash**

In 1985, I was involved in an ambulance accident while responding "Code 3" to a respiratory arrest on the Penn State campus, where my driver made a sudden right-hand turn from the left lane and was struck by a vehicle, the driver of which said she had been sure we were going straight. Although not seriously injured, the driver was cited by the police for failing to yield to an emergency vehicle. I felt bad for her, because I could tell she had panicked when being suddenly confronted by an ambulance in light-and-siren mode. I also believe, because of my driver's indecision in making a sudden right turn, that the driver of the car reasonably assumed she would be clear of us by proceeding forward.

Although I felt bad for the other driver, I reasoned that we were operating an ambulance, with appropriate warning devices, and after all, she failed to yield. Still, I never again felt quite right using lights and sirens so casually. Incidentally, the call to which we were responding was nothing close to respiratory arrest; I seem to remember it was a co-ed with bronchitis. If only we had medical priority dispatching!

There are many studies and cases pertaining to light-and-siren use that support what I have intuitively felt since that day in 1985. That is, we may be doing more harm than good by using lights and sirens. Moreover, we risk enormous liability in the event of an ambulance crash, and I believe that the free use of lights and sirens enhances this risk.

### **The Data**

In 1995 study published in the *Annals of Emergency Medicine* (1), researchers concluded that transport time from the scene to the hospital in a small city was 43.5 seconds faster with lights and sirens than without. While this difference in transport time was found to be *statistically* significant, it was not *clinically* significant. That is, the ambulance may get to the emergency department 43.5 seconds faster by using lights and sirens, but there is nothing the ED staff can do with that extra 43.5 seconds to improve the patient's outcome. These few extra seconds pale in comparison to the well-documented risks of running with lights and sirens. One study found that an ambulance involved in a fatal crash was twice as likely to be running in emergency mode than not (2). An article concluded that "the siren is an extremely limited warning device," and another that its use can cause potential health hazards, including hearing loss (3,4). Still another study concluded that lights and sirens

can even have a negative effect on the patient and his or her family members (5).

Steve Forry, EMS specialist for one of the largest insurers of emergency service organizations, the Glatfelter Insurance Group, which runs both Volunteer Fireman's Insurance Services (VFIS) and Ambulance Insurance Services (AIS), said that insurance rates reflect this data. By far the biggest payouts AIS makes under its EMS policies are for crashes in which an ambulance, using red lights and sirens, proceeds through an intersection against a red traffic signal, Forry said. In fact, among volunteer EMS organizations insured by Glatfelter, for every medical malpractice claim against an EMS provider, there are 25 claims for automobile liability arising from ambulance crashes. On the commercial side, the ratio is seven auto claims for every one medical malpractice claim. Thus, it seems as if the way we drive has more of an impact on our insurance rates than does the way we provided patient care. If we're so comparatively careful with our patients' well-being once they're in our ambulance, why are we so recklessly indifferent about the well-being of others when we're blowing a red light at an intersection to save a few insignificant seconds? This seems to be the situation in many of the cases that popped up during my legal research on this subject.

### **The Case Law**

There are dozens of cases where red-light-and-siren ambulance crashes have landed the emergency vehicle operator in court. In a 1994 Connecticut case (6), an ambulance owned by the Fitzgerald Ambulance Service was transporting a patient to Yale New Haven Hospital with its lights and siren activated. As the ambulance crossed an intersection against the red light, it collided with another vehicle. The ambulance service asserted in its defense that the patient's wife, who was riding as a front seat passenger, saw the oncoming vehicle immediately prior to the collision, and was negligent for failing to warn the ambulance driver of what she saw. Not only did this "offensive" defense fail, but I'm sure it made for pretty bad public relations.

In a 1992 Nebraska case (7), a volunteer operating a city-owned ambulance proceeded through an intersection against a red light and collided with a fully loaded dump truck and the driver of which had the windows rolled up, the air conditioning on and the AM/FM radio playing, and did not hear the ambulance's siren. The trial court found that the ambulance operator briefly slowed down, made a cursory inspection of the intersection, and then accelerated rapidly through the intersection. The ambulance operator was found to be negligent, and this, his service was liable, in part, for the plaintiff's injuries. The appeals

court, in upholding the verdict, noted sternly that although the ambulance "had the right-of-way despite the red light, (the statutory) duty of care...implies that drivers of emergency vehicles cannot simply careen through intersections oblivious to conditions around them. (7)"

In this case, the court discussed the fairly typical statutes that govern the use of lights and sirens, and privileges that emergency vehicle operators enjoy. For instance, ambulances operating lights and sirens are privileged to exceed posted speed limits and enter intersections against red lights *if done safely* (8). The emergency vehicle operator, despite this privilege, is still under a duty to drive with due regard for the safety of others. In some states, ambulance drivers (I know this is a taboo term-but it fits here) enjoy a form of "good Samaritan immunity" or, if a member of a municipal or public service, "government immunity," when operating an emergency vehicle. However, if a plaintiff can demonstrate that the emergency vehicle operator was grossly negligent or reckless, these immunities provide no protection. This level of negligence or recklessness may be shown by a simple failure to apply the brakes in the intersection, by rapidly accelerating after a cursory slowdown, by traveling in improper lanes of traffic or a host of other ways. It appears as if immunity statutes offer far less protection in collision situations than they do in cases of medical negligence. In addition, some state laws offer only qualified privileges to emergency vehicle operators. For example, in New Jersey, ambulances cannot forcefully take the right of way; other drivers must voluntarily relinquish it (10). Thus, lights and sirens in some states are merely a way to make a polite request to other drivers to yield and do not relieve the emergency vehicle operator of the responsibility to drive carefully.

## Recommendations

Far be it from me to flail about on a subject so sensitive without offering a few suggestions to conclude. These thoughts are directed at providers, insurers and regulators, and we'll move up the ladder accordingly.

1. **Make voluntary changes at your service level.** The best way to solve the safety and public relations problems relating to light-and-siren use is to start within your own walls. First, accept that the use of warning devices does not improve patient care or outcomes. Second, recognize that warning devices cause danger and liability. Third, revise your standard operating procedures and, with medical input, your protocols. Fourth, train your personnel that warning devices should be used only in the most extreme emergencies (11) and that lights and sirens don't replace brains and eyes when driving.
2. **Demand better dispatching.** There is no reason why we should accept bogus dispatch information that unnecessarily fuels adrenaline surges. Adequately trained dispatchers should be able to determine the severity of the call and recognize that

most are not life threatening. Though we're never sure what to expect while responding, we know what we're dealing with once we've reached the scene. Thus, restrictions on light-and-siren use should be even more stringent when transporting the patient to the hospital.

3. **Insurers, get involved!** Remember how we used to ride on tailboards? Well, ever since the insurance industry cracked down on this practice, it has been seriously curtailed (though, of course, it still occurs). Insurers should likewise demand adherence to common-sense protocols governing light-and-siren use. Moreover, insurers should use their tremendous resources (as VFIS does) to offer driver training, sample response guidelines and other risk-management information.
4. **Devise voluntary standards.** National standards-setting organizations, whose product often are followed closely by emergency service organizations, should get into the act and make bold statements on the overuse and dangers of warning devices.
5. **If all else fails, pass new laws or promulgate new regulations!** State EMS agencies should not shirk their responsibility to protect the public safety when it is placed at risk by EMS providers. State regulations should substantially curtail light-and-siren use if other avenues fail. Moreover, state legislatures should remove the statutory requirements that lights and sirens *must* be operating for emergency vehicles operators to enjoy any immunity for possible acts of negligence. I realize that few legislators would ever vote for a bill restricting light-and-siren use, especially in the face of anger from volunteer constituents. However, the data, the case law and our insurance rates all show that we are dealing with an expensive public safety and liability problem in excessive light-and-siren use.

In conclusion, EMS providers are public safety personnel who are intimately involved in the maintenance of the public health. This responsibility transcends the patient in the back of the ambulance. It extends to our communities, fellow pedestrians and vehicle operators. The evidence suggests that free light-and-siren use ill serves these responsibilities.

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4. Pepe PE et al: "Accelerated hearing loss in urban emergency service firefighters." *Annals of Emergency Medicine* 14:438-42, 1985.
5. Critz SH: "The attitudes and experiences of families with death determination in the home." *American Journal of Hospital Care* 6(5) 38-43, September-October 1989.
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7. *City of LaVista v. Anersen*, 480 N.W.2d. 185 (Neb. 1992).
8. Neb. Rev. Stat. 39-602(5), 39-608 (1988).
9. See e.g., 745 Ill. Cons. Statutes 10/8-101 (West 1992).
10. George JE, Quattrone MS: "Above all—do no harm." *Emergency Medical Technician Legal Bulletin* 15(4), Fall 1991.
11. NAESMP Position Paper, "Use of warning lights and siren in emergency medical vehicle response and patient transport." *Prehospital and Disaster Medicine* 9(2), April-June 1994.

Committee: Transportation  
LA: NAD  
File Name: G:\COMMITTEES\TRA\AMENDS\122nd1st\0433302.doc  
LR (item)#: 0433302  
New Title?: No  
Add Emergency?: No  
Date: March 21, 2005

COMMITTEE AMENDMENT TO LD 243, AN ACT TO ALLOW EMERGENCY RESPONDERS TO EQUIP THEIR VEHICLES WITH 2 EMERGENCY FLASHING LIGHTS

**Amend the bill by striking everything after the enacting clause and before the summary and inserting the following:**

**Sec. 1. 29-A MRSA §2054, sub-§2, ¶F is amended to read:**

F. Only vehicles listed in this paragraph, rural mail vehicles as provided in paragraph C, subparagraph (5) and school buses may be equipped with, display or use a red auxiliary or emergency light.

(1) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle, a fire vehicle or a hazardous material response vehicle must emit a red light or a combination of red and white light.

(2) The use of emergency lights by an active member of a municipal or volunteer fire department is governed by the following

- (a) The lights must be authorized by the municipal officers or a municipal official designated by the municipal officers, with the approval of the fire chief.
- (b) The member may display one flashing red signal not more than 5 inches in diameter on a vehicle. The light must be mounted as near as practicable above the registration plate on the front of the vehicle or on the dashboard. A light mounted on the dashboard must be shielded so that the emitted light does not interfere with the operator's vision.
- (c) In lieu of one flashing red signal, the member may display any combination of 2 flashing red or white lights of a size capable of being mounted above the front bumper and below the roof of the vehicle. The lights must be mounted on the front of the vehicle and in manner so that the emitted light does not interfere with the operator's vision.
- (d) The lights may be displayed but may be used only while the member is en route to or at the scene of a fire or other emergency.
- (e) Prior to exercising the privilege of using emergency lights granted under this subparagraph, the member shall complete a state certified emergency vehicle operators or emergency ambulance operators course.
- (f) The privilege of using lights may be revoked at any time by the fire chief for misconduct.

(3) Members of an emergency medical service licensed by Maine Emergency Medical Services may display and use lights on a vehicle a flashing red signal light of the same proportion, in the same location and under the same conditions as those permitted municipal and volunteer firefighters, when authorized by the chief official of the emergency medical service. Prior to

exercising the privilege of using emergency lights granted under this subparagraph, the member shall complete a state certified emergency vehicle operators or emergency ambulance operators course. The privilege of using emergency lights granted under this subparagraph may be revoked at any time by chief official of the emergency medical service for misconduct.

### **SUMMARY**

This amendment replaces the bill. The amendment allows municipal and volunteer firefighters and emergency medical services personnel to use either one flashing red light or any combination of 2 red or white lights on personal vehicles while en route to or at the scene of fires or other emergencies. It also requires that a person may use emergency lights on a personal vehicle only upon completion of a state certified emergency vehicle operators or emergency ambulance operators course.

## **OFFICE OF POLICY AND LEGAL ANALYSIS**

Date: February 11, 2005

To: Transportation Committee

From: Nicole Dube, Legislative Analyst

### **LD 243 - A/A to Allow Emergency Responders to Equip Their Vehicles with 2 Emergency Flashing Lights**

#### **SUMMARY**

This bill permits municipal and volunteer firefighters and emergency medical services personnel to use any combination of 2 flashing red or white lights on personal vehicles while en route to or at the scene of fires or other emergencies. It also provides that such vehicles are covered by the rules of operation applying to authorized emergency vehicles. The bill also requires that a person may use flashing lights on a personal vehicle only upon completion of a state-certified emergency vehicle operators or emergency ambulance operators course.

#### **Proponents:**

- Delayed response time presents significant safety issues for people and property.
- Volunteer firefighters comprise a significant proportion of Maine's fire service
- Maine is the only state in Northern New England that does not allow some form of emergency vehicle privilege for volunteer firefighter and EMS personnel.

#### **Opponents:**

- Expanding the use of red and white flashing lights and sirens to include personal vehicles may confuse the public, decreasing the effectiveness of the lights and sirens.
- May increase the problem of drivers failing to yield to legitimate emergency vehicles, potentially decreasing response time.
- Using personal vehicles not designed to be operated as emergency vehicles may cause increased safety risks for drivers and the public.
- Increased personal insurance costs for volunteer fire fighters.
- Increased liability costs for municipalities associated with significant increase in municipal vehicles on the road.
- Potential misuse of additional lights and sirens by some volunteers.
- Additional lights and sirens are unnecessary given that traffic delays rarely hinder volunteer fire fighters from reaching an emergency situation.
- Current Ambulance Vehicle Operator Course is not designed or intended to train drivers in operation of a personal vehicle in emergency mode.
- Current law allowing volunteer firefighters to display one red light on the front of their personal vehicle is sufficient.

#### **POTENTIAL ISSUES OR TECHNICAL PROBLEMS:**

- The 121<sup>st</sup> Legislature's Transportation Committee directed the Maine Fire Protection Services Commission to study the issue and report back in February 2004.

**COMMENTS:** Current law allows municipal officers with the approval of the fire chief to authorize a current member of a volunteer fire department to use a flashing red light no more than 5 inches in diameter on a vehicle. The light may only be used when en route to or at the scene of a fire or other emergency situation. The light must be mounted above the registration plate on the front of the vehicle or on the dashboard. It does not allow the use of sirens or special privileges regarding the operation of the vehicle.

**FISCAL IMPACT:**

No fiscal impact

11/13/13  
COPY

L.D. 243

DATE:

(Filing No. H- )

TRANSPORTATION

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
122ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT " " to H.P. 182, L.D. 243, Bill, "An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 29-A MRSA §2054, sub-§2, ¶F, as amended by PL 2005, c. 14, §3, is further amended to read:

F. Only vehicles listed in this paragraph, rural mail vehicles as provided in paragraph C, subparagraph (5) and school buses may be equipped with, display or use a red auxiliary or emergency light.

(1) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle, a fire vehicle, a rescue vehicle or a hazardous material response vehicle must emit a red light or a combination of red and white light.

(2) ~~The municipal-officers-or-a-municipal-official designated-by-the-municipal-officers,-with-the-approval of-the-fire-chief,-may-authorize~~ use of emergency lights by an active member of a municipal or volunteer fire department ~~to-use-a-flashing-red-signal-light-not more-than-5-inches-in-diameter-on-a-vehicle.-The-light~~

**COMMITTEE AMENDMENT**

may-be-displayed-but-may-be-used-only-while-the-member  
is-en-route-to-or-at-the-scene-of-a-fire-or-other  
emergency.---The--light--must--be--mounted--as--near--as  
practicable-above-the-registration-plate-on-the-front  
of-the-vehicle-or-on-the-dashboard.---A-light-mounted-on  
the-dashboard-must-be-shielded-so-that-the-emitted  
light-does-not-interfere-with-the-operator's-vision. is  
governed by the following.

(a) The lights must be authorized by the  
municipal officers or a municipal official  
designated by the municipal officers, with the  
approval of the fire chief.

(b) The member may display one flashing red  
signal light not more than 5 inches in diameter on  
a vehicle. The light must be mounted as near as  
practicable above the registration plate on the  
front of the vehicle or on the dashboard. A light  
mounted on the dashboard must be shielded so that  
the emitted light does not interfere with the  
operator's vision.

(c) In lieu of one flashing red signal light, the  
member may display any combination of 2 flashing  
red or white lights of a size capable of being  
mounted above the front bumper and below the roof  
of the vehicle. The lights must be mounted on the  
front of the vehicle and in a manner so that the  
emitted light does not interfere with the  
operator's vision.

(d) The lights may be displayed but may be used  
only while the member is en route to or at the  
scene of a fire or other emergency.

(e) Prior to exercising the privilege of using  
emergency lights granted under this subparagraph,  
the member must complete a state-certified  
emergency vehicle operators or emergency ambulance  
operators course.

(f) The privilege of using lights may be revoked  
at any time by the fire chief for misconduct.

(3) Members of an emergency medical service licensed  
by Maine Emergency Medical Services may display and use  
lights on a vehicle a-flashing-red-signal-light-of-the  
same--proportion, in the same location and under the  
same conditions as those permitted municipal and

volunteer firefighters, when authorized by the chief official of the emergency medical service. Prior to exercising the privilege of using emergency lights granted under this subparagraph, the member must complete a state-certified emergency vehicle operators or emergency ambulance operators course. The privilege of using emergency lights granted under this subparagraph may be revoked at any time by the chief official of the emergency medical service for misconduct.'

#### SUMMARY

This amendment replaces the bill. The amendment allows municipal and volunteer firefighters and emergency medical services personnel to use either one flashing red light or any combination of 2 red or white lights on personal vehicles while en route to or at the scene of fires or other emergencies. It also requires that a person may use emergency lights on a personal vehicle only upon completion of a state-certified emergency vehicle operators or emergency ambulance operators course.



Approved: 02/07/05 *mac*

# 122nd MAINE LEGISLATURE

LD 243

LR 0433(01)

**An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights**

**Fiscal Note for Original Bill**

**Sponsor: Rep. Davis of Falmouth**

**Committee: Transportation**

**Fiscal Note Required: No**

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## **Fiscal Note**

No fiscal impact.

# COMMITTEE VOTING TALLY SHEET

LD # or Confirmation: 243

Committee: TRANSPORTATION

Date: March 24, 05

Motion: OTP as Amended

Motion by: Rep Fisher

Seconded by: Rep Sampson

| Those<br>Voting in<br>Favor of the<br>Motion | Recommendation of those opposed to the<br>Motion |    |       |           |          | Absent | Abstain |
|----------------------------------------------|--------------------------------------------------|----|-------|-----------|----------|--------|---------|
|                                              | ONTP                                             | OP | OP-AM | New draft | Re-Refer |        |         |

## Senator

|                  |   |  |  |  |  |  |  |
|------------------|---|--|--|--|--|--|--|
| Dennis Damon     | ✓ |  |  |  |  |  |  |
| William Diamond  |   |  |  |  |  |  |  |
| Christine Savage | ✓ |  |  |  |  |  |  |

## Representative

|                   |   |  |  |  |  |  |  |
|-------------------|---|--|--|--|--|--|--|
| Boyd Marley       | ✓ |  |  |  |  |  |  |
| Charles Fisher    | ✓ |  |  |  |  |  |  |
| Ross Paradis      | ✓ |  |  |  |  |  |  |
| Sonya Sampson     | ✓ |  |  |  |  |  |  |
| George Hogan      | ✓ |  |  |  |  |  |  |
| Edward Mazurek    | ✓ |  |  |  |  |  |  |
| Terrance McKenney | ✓ |  |  |  |  |  |  |
| Ronald Collins    | ✓ |  |  |  |  |  |  |
| William Browne    | ✓ |  |  |  |  |  |  |
| Doug Thomas       | ✓ |  |  |  |  |  |  |
|                   |   |  |  |  |  |  |  |
| TOTALS            |   |  |  |  |  |  |  |

# HOUSE REPORT

## THE COMMITTEE ON Transportation

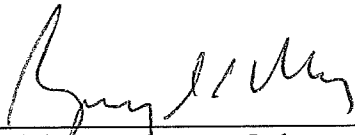
to which was referred the following:

An Act To Allow Emergency Responders To Equip Their Vehicles with 2 Emergency Flashing Lights

H.P. 182

L.D. 243

has had the same under consideration, and asks leave to report that the same  
OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT “ “



(Signature) Rep. Marley

of Portland

For the Committee

(Type)  
Rep. of (Town) and/or Sen. of (County)

(Signatures)

# HOUSE REPORT