

EMERGENCY VEHICLES:
EMERGENCY EQUIPMENT:
MOTOR VEHICLES:

It is the opinion of this office that a privately owned vehicle, used in transporting emergency equipment such as iron lungs, oxygen and other emergency equipment, responding to emergency calls by doctors is not an ambulance or other emergency vehicle within the meaning of Section 304.022, RSMo 1959. Consequently, it may not display a red light or use a siren on such vehicle.

Opinion No. 66

January 30, 1969

Honorable Donald L. Manford
Representative - 18th District
9409 Oakland Avenue
Kansas City, Missouri 64138

FILED
66

Dear Representative Manford:

This office is in receipt of your letter under date of September 26, 1968, requesting a legal opinion with reference to the following:

An individual is in the business of providing emergency equipment to doctors. This equipment includes such things as portable iron lungs, oxygen and other emergency equipment. It appears that this individual has attempted to make use of a red light and possibly a siren while en route to deliver this emergency equipment, but recently has been advised that he is not authorized to make use of a red light since the vehicle that he uses is not classified as an ambulance. You also advise that this individual uses this vehicle on a 24-hour basis under extreme emergency conditions.

You ask can "such equipment be used by persons who provide such a necessary service?"

Your letter has reflected that this individual has attempted to make use of a red light. Section 304.420, RSMo 1959 specifically provides as follows:

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

Honorable Donald L. Manford

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."
(Emphasis added)

The section of the statute herein referred to provides without equivocation that the only vehicles permitted to make use of a red light visible directly in front thereof would be school busses used for school purposes and emergency vehicles. Consequently in order to answer your question, since the vehicle involved is obviously not a school bus, it must be determined as to whether or not it can be defined as an emergency vehicle.

Section 304.022, RSMo 1959, defines the term "emergency vehicle" as follows:

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

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

(2) Any privately owned vehicle operated as an ambulance when responding to emergency calls;

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

You will note that your question relates to Paragraph 3, Subsection 2 under the definition as to whether or not your vehicle is an ambulance.

The section herein referred to does not define the term "ambulance". We have searched the statutes and court decisions of Missouri for a definition and are unable to find same.

Section 1.090, RSMo 1959 provides "words and phrases shall be taken in their plain and ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import." We do not feel that the word "ambulance" has a technical or a peculiar meaning to the average person and consequently must be construed in its plain, usual or ordinary sense.

Honorable Donald L. Manford

Black's Law Dictionary, Fourth Edition, defines an ambulance as follows:

"A vehicle for the conveyance of the sick and wounded."

The same definition may be found in Bouvier's Law Dictionary, Third Edition, Volume 1, page 106.

Inasmuch as there does not seem to be any technical or peculiar meaning to the definition, "a vehicle for the conveyance of the sick and wounded," we are of the opinion that a privately owned vehicle, used in transporting emergency equipment such as iron lungs, oxygen and other emergency equipment, responding to emergency calls by doctors, is not an ambulance within the definition of the statute.

As to the use of a siren, there are three statutory sections to consider that deal with signalling devices.

Section 304.022, supra, refers to the use of a siren by emergency vehicles as defined in the statute. We have already held that the vehicle in question is not an emergency vehicle under Section 304.022, supra, and, therefore, a siren is not authorized by that section.

Paragraph 1 of Section 304.560, RSMo 1959, requires signalling devices on motor vehicles and reads as follows:

"Signaling devices: Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order, capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time."

It is our opinion that this statute does not include the use of sirens and, therefore, we find no authorization for the use of a siren by Section 304.560.

Finally, Section 304.565, RSMo 1959, allows the use of a siren along with the use of rotating blue lights on motor vehicles used by firemen in bona fide emergencies. The motor vehicle in question clearly does not qualify for a siren under this law.

CONCLUSION

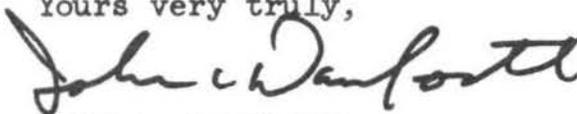
It is the opinion of this office that a privately owned vehicle, used in transporting emergency equipment such as iron lungs, oxygen and other emergency equipment, responding to emergency calls

Honorable Donald L. Manford

by doctors is not an ambulance or other emergency vehicle within the meaning of Section 304.022, RSMo 1959, and therefore such a vehicle may not display a red light visible directly from the front thereof pursuant to the provisions of Section 304.420, RSMo 1959. Further, a siren warning type of device may not be used on the motor vehicle in question.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Walter W. Nowotny, Jr.

Yours very truly,



JOHN C. DANFORTH
Attorney General

ADDENDUM TO OPINION NO. 66-69

The above-captioned opinion concluded that a privately-owned vehicle, used in transporting emergency equipment such as iron lungs, oxygen and other emergency equipment, responding to emergency calls by doctors is not an ambulance or other emergency vehicle within the meaning of Section 304.022, RSMo. Consequently, such a vehicle may not display a red light or use a siren on such a vehicle.

Nothing in this opinion should be read as prohibiting a privately-owned vehicle operated pursuant to Section 304.175, RSMo Supp. 1982, from sounding a warning siren or displaying a blue light. See Opinion No. 83, Matthewson, 1983.