

The Emergency Vehicle Statute

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Winter Maintenance

- Important
- Thankless
- Dangerous
 - Poor visibility and roadway conditions;
 - Unpredictable driving by others;
 - Driving contrary to the “Rules of the Road.”



“Rules of the Road”

- Sections of the Motor Vehicle Code that govern driving on a public roadway.
- Sometimes we violate those rules:
 - Stopping in the right-of-way;
 - Driving in reverse across an intersection;
 - Operating against the flow of traffic;
 - Driving on the shoulder area.



Why A Potential Problem?

- Surprises other motorists;
- Increases likelihood of a crash;
- Driving in a way that, normally, would make RC liable for certain injuries and damages.



MCL 257.603

(Emergency Vehicle Statute)

1. This code section applies to vehicles owned or operated by certain municipal entities.
2. Sometimes, the driver of an emergency vehicle can rely upon the privileges described below.
3. The driver of an emergency vehicle can:
 - Park or stand, wherever;
 - Blow a stop sign or red light, but only after slowing down first;
 - Exceed the posted speed limit; and
 - Disregard the rules governing movement or turning.



MCL 257.603 (Emergency Vehicle Statute)

4. [Describes siren and flashing light requirements that don't apply to us]
5. [Same thing as Section #4]
6. The privileges described here apply to persons, teams, motor vehicles and other equipment actually engaged in work upon the surface of the highway. They do not apply to those vehicles when traveling to or from work.



What does the statute mean?

- Depending upon the circumstances, when actively working on a roadway, you can:
 - Stop on the shoulder or roadway;
 - Roll past a stop sign;
 - Turn wide and cross the centerline;
 - Drive in reverse across an intersection;
 - Have some (or all) of your truck in the opposing lane of travel.



What the statute doesn't say:

- You need to operate lights and a siren while performing roadway maintenance.
- Your truck is an “emergency vehicle.”
- You have a blank check to violate the Motor Vehicle Code.



“Reasonable Care”

- In order to benefit from the statute, you must exercise “reasonable care.”
 - Showing due regard for the safety of others;
 - Acting like a reasonably prudent person would under similar circumstances;
 - Ultimately, a jury question.



M Civ JI 85.01

“It is claimed that the [our driver] was negligent in that he [explain nature of our motor vehicle code violation].

We have a state statute which provides that [quote the relevant portions of the Emergency Vehicle Statute].”



M Civ JI 85.02

“This statute excuses the [nature of violation] by [our driver] if he complied with the provisions of the statute which I have just read to you.

However, [our driver] must always use that care which a reasonably careful [description of operator] would use under the circumstances which you find existed in this case.”



What does all of this mean for you?

- Manner of accident reporting is critically important
- This importance applies both internally and externally
 - Internal (our interests)
 - External (police and other authorities)



“To Do” List

- Thoroughly document what happened:
 - Identify and describe who, what, where, when, why, and how;
 - If possible, take pictures and get names;
 - Special focus on “why” our vehicle was disregarding the rules of the road.



“Don’t Do” List

- Do not admit fault for the crash.
- Avoid speculation —stick to what you know.
- No ultimate conclusions about what happened.
- Stay away from adjectives, such as “unreasonable,” “unsafe,” or “dangerous.”



Summary

- If actively maintaining a roadway, the Emergency Vehicle Statute can help you resist liability for an accident.
- Not a “blank check.”
- Your investigation and reporting is really important.



Questions?

