



**House  
Legislative  
Analysis  
Section**

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**EMERGENCY VEHICLE OPERATION  
POLICY**

**House Bill 4536**

**Sponsor: Rep. Kirk Profit**

**Committee: Judiciary and Civil Rights**

**Complete to 5-3-96**

**A SUMMARY OF HOUSE BILL 4536 AS INTRODUCED 3-7-95**

The bill would create a new public act providing for a commission to develop a model policy for the operation of emergency vehicles, including law enforcement vehicles, fire department vehicles, ambulances, and vehicles owned or operated by volunteer or paid employees of these entities while in use to provide emergency services. The bill also would allow a local governmental unit to adopt all or part of the model policy to be developed by the commission, or to develop and adopt its own policy and apply to the commission for certification that the policy met the standards of the model policy.

Model emergency vehicle policy commission. The commission would be created in the Department of Management and Budget and would consist of 17 members, including:

- the attorney general (or his or her designee);
- the director of the Department of State Police (or a designee);
- the executive secretary of the Law Enforcement Officers Training Council (or a designee);
- the following members appointed by the governor:
  - \* one member (and an alternate) appointed from a list submitted by each of the following: the Michigan Association of Chiefs of Police, the Michigan Sheriffs' Association, the Criminal Defense Attorneys of Michigan, the Michigan Fire Chiefs Association, the Michigan Association of Counties, the Michigan Association of Ambulance Services, the State Bar of Michigan, the Prosecuting Attorneys Association of Michigan, the Michigan Municipal League, the Michigan Trial Lawyers Association, and the Michigan Townships Association.
  - \* one member (and an alternate) to represent those who operate emergency vehicles.
  - \* two members (and two alternates) to represent the general public, who could not be elected or appointed officials of state or local government.

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Members would have to be appointed within 90 of the bill's effective date, and within 90 days after the appointment and confirmation of its members, the commission would have to adopt bylaws that at a minimum included voting procedures and requirements for attendance at meetings. The commission would have to meet annually, and at special meetings called by the chairperson or at least seven members.

Administrative support for the commission would be provided by the Law Enforcement Officers Training Council. Commission members would serve without compensation. Commission documents would be exempt from the Freedom of Information Act.

Model policy. Within one year of its first meeting the commission would develop a model emergency vehicle operation policy. The policy would have to define the policy's coverage; recognize that emergency vehicle operation may involve the use of potentially deadly force; identify the circumstances warranting starting, continuing, and stopping an emergency operation, based on risks to employees and the public, as well as, in the case of an emergency operation involving the pursuit of a crime suspect, the danger to society of not immediately apprehending an offender (the seriousness and immediacy of the threat posed by the pursued person and the adequacy of other ways to apprehend him or her would have to be considered). The policy would have to identify the procedures for starting, continuing, and terminating an emergency operation, including authorization for an employee not actively involved in the operation to prohibit, modify, or terminate the operation, specific rules governing operations that cross jurisdictional boundaries, and specific rules governing permissible emergency operation methods. The model policy also would have to establish guidelines requiring a governmental agency to monitor the effects of its emergency operation policy, and minimum requirements for training and certifying emergency vehicle operators to comply with a model policy.

The commission would report on the model policy or policies to each house of the legislature, each law enforcement agency and fire department in the state, and each life support agency that operates emergency vehicles.

Local governments; certification of policies. The bill would specify that a local government could adopt all or a portion of the model policy developed by the commission, or could develop and adopt its own policy and apply to the commission for certification of the policy.

The commission would certify whether a local government's emergency vehicle operation policy met the standards established in the model policy. If a governmental unit adopted part of the model policy, the commission could certify it only if determined that the unit did not engage in emergency operations exceeding the scope of the policy. The commission could deny certification if it determined that a local unit's policy did not meet the standards.

The commission would have to act to certify or deny certification of a policy within 180 days after it was submitted, or the policy would be presumed to be certified. This presumption could be rebutted by evidence establishing that the policy did not meet the standards. If a local unit discontinued its emergency vehicle operation policy, it would have to notify the commission.

Administrative rules. The commission would be authorized to promulgate rules to implement the bill. It would have to meet at least annually to review the model policy and its administrative rules.

Tie-bar. The bill is tie-barred to Senate Bill 66, which would limit the tort liability of a local governmental agency in actions involving emergency vehicles under certain circumstances.