

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

As Engrossed: H3/14/17

# A Bill

HOUSE BILL 2188

5 By: Representative Tosh  
6

## For An Act To Be Entitled

8 AN ACT TO CLARIFY WHEN CERTAIN EMERGENCY VEHICLES ARE  
9 REQUIRED TO DISPLAY FLASHING LIGHTS; TO AMEND THE LAW  
10 CONCERNING THE LIABILITY ASSOCIATED WITH THE FAILURE  
11 TO DISPLAY FLASHING LIGHTS; AND FOR OTHER PURPOSES.  
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### Subtitle

14 TO CLARIFY WHEN CERTAIN EMERGENCY  
15 VEHICLES ARE REQUIRED TO DISPLAY FLASHING  
16 LIGHTS; TO AMEND THE LAW CONCERNING THE  
17 LIABILITY ASSOCIATED WITH THE FAILURE TO  
18 DISPLAY FLASHING LIGHTS.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 *SECTION 1. Arkansas Code § 27-37-202(b)(3)(B), concerning horns and*  
25 *warning devices on emergency vehicles, is amended to read as follows:*

26 ~~*(B) The warning device shall not be used except when the*~~  
27 ~~*vehicle is operated in response to an emergency call or in the immediate*~~  
28 ~~*pursuit of an actual or suspected violator of the law; in which event, the*~~  
29 ~~*driver of the vehicle shall sound the warning device when necessary to warn*~~  
30 ~~*pedestrians and other drivers of the approach thereof*~~

31 *(B)(i) Except as provided under § 27-51-905, the driver of*  
32 *an emergency vehicle shall sound a warning device:*

33 *(a) When necessary to warn pedestrians and*  
34 *other drivers that the emergency vehicle is approaching; and*

35 *(b) While the emergency vehicle is being*  
36 *operated in response to an emergency call or in the immediate pursuit of an*



1 actual or suspected violator of the law.

2 (ii) The warning device shall not be used by the  
3 driver of an emergency vehicle except when the emergency vehicle is being  
4 operated as required under subdivision (b)(3)(B)(i) of this section.

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6 SECTION 2. Arkansas Code § 27-49-109 is amended to read as follows:

7 27-49-109. Drivers of authorized emergency vehicles.

8 (a)(1) The driver of any authorized emergency vehicle when responding  
9 to an emergency call upon approaching a red or stop signal or any stop sign  
10 shall slow down as necessary for safety but may proceed cautiously past the  
11 red or stop sign or signal.

12 (2) At other times, drivers of authorized emergency vehicles  
13 shall stop in obedience to a stop sign or signal.

14 (b) ~~No~~ A driver of any authorized emergency vehicle shall not assume  
15 any special privilege under this act except when:

16 (1) ~~the~~ The authorized emergency vehicle is operated in response  
17 to an emergency call or in the immediate pursuit of an actual or suspected  
18 violator of the law; and

19 (2) The driver of the authorized emergency vehicle is operating  
20 the vehicle's emergency lights and operating an audible warning device.

21 (c) The driver of an authorized emergency vehicle operated as a police  
22 vehicle is not required to operate a siren or flashing lights when operating  
23 the emergency vehicle as authorized under § 27-51-905.

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26 SECTION 3. Arkansas Code § 27-51-202 is amended to read as follows:

27 27-51-202. Restrictions not applicable to emergency vehicles.

28 (a)(1) The prima facie speed limitations ~~set forth in this~~ under this  
29 subchapter shall do not apply to authorized emergency vehicles when  
30 responding to emergency calls when the driver thereof of the emergency  
31 vehicle is operating the vehicle's emergency lights and is also operating an  
32 audible signal by bell, siren, or exhaust whistle if other vehicles are  
33 present.

34 (2) The driver of an authorized emergency vehicle operated as a  
35 police vehicle is not required to operate a siren or flashing lights when  
36 operating the emergency vehicle as authorized under § 27-51-905.

1 (b) This section ~~shall~~ does not relieve the driver of an authorized  
2 emergency vehicle from the duty to drive with due regard for the safety of  
3 all persons using the street, nor shall it protect the driver of any  
4 emergency vehicle from the consequence of a reckless disregard of the safety  
5 of others.

6 (c) For purposes of this section, "emergency calls" means legitimate  
7 emergency situations which call for the operation of an emergency vehicle,  
8 ~~including a police vehicle.~~

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10 SECTION 4. Arkansas Code Title 27, Chapter 51, Subchapter 9, is  
11 amended to add an additional section to read as follows:

12 27-51-905. Police vehicle exceptions.

13 (a) An authorized emergency vehicle operated as a police vehicle is  
14 not required to operate the vehicle's siren or flashing lights when the  
15 emergency vehicle is responding to an emergency call or when in pursuit of an  
16 actual or suspected violator if the emergency vehicle is being used to:

17 (1) Obtain evidence of a speeding violation;

18 (2) Respond to a suspected crime in progress when use of an  
19 audible or visual signal could result in the destruction of evidence or  
20 escape of a suspect; or

21 (3) Conduct surveillance of a vehicle or the passengers of a  
22 vehicle who are suspected of involvement in a crime.

23 (b) This section does not relieve the driver of an authorized  
24 emergency vehicle operated as a police vehicle from:

25 (1) The duty to drive with regard for the safety of all persons  
26 using the street; or

27 (2) Any legal consequence resulting of a reckless disregard of  
28 the safety of others.

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30 /s/Tosh

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33 **APPROVED: 04/01/2017**