

CORONER / JAILER EMERGENCY VEHICLE STATUTE

EFFECTIVE JUNE 8, 2011

The following includes only the statutes in KRS 189.910 - .940 that were changed by the 2011 General Assembly.

SUMMARY: Under KRS 189.910(1)(j) and (k), coroners and deputy coroners are now permitted to operate emergency vehicles and install red and blue lights, along with a siren, on publicly or privately owned vehicles. (Note that the authority is specific to both red and blue lights, and not just blue lights.) However, KRS 189.940(11) requires that the coroner (and deputy coroner) request permission from the county legislative body to do so, and approval to do so much be given by ordinance or court order. **In addition, under (11)(b), the emergency equipment may only be used in responding to the scene of an emergency and the vehicle may not be driven in excess of the speed limit.**

Also, under KRS 189.940(5) and (6), jailer's vehicles, regional jail vehicles and Department of Corrections vehicles may be equipped with blue lights (specifically) but **may not be equipped with a siren, bell or whistle**. Although that statute refers to these as emergency vehicles, the definitions in KRS 189.910 do not include these vehicles and lacking a siren, etc., **they may not be driven as emergency vehicles under KRS 189.940.**

189.910 Definitions for KRS 189.920 to 189.950.

(1) As used in KRS 189.920 to 189.950, "emergency vehicle" means any vehicle used for emergency purposes by:

- (a) The Department of Kentucky State Police;
- (b) A public police department;
- (c) The Department of Corrections;
- (d) A sheriff's office;
- (e) A rescue squad;
- (f) An emergency management agency if it is a publicly owned vehicle;
- (g) An ambulance service or medical first-response provider licensed by the Kentucky Board of Emergency Medical Services, for any vehicle used to respond to emergencies or to transport a patient with a critical medical condition;
- (h) Any vehicle commandeered by a police officer;
- (i) Any vehicle with the emergency lights required under KRS 189.920 used by a paid or volunteer fireman or paid or volunteer ambulance personnel, or a paid or local emergency management director while responding to an emergency or to a location where an emergency vehicle is on emergency call;
- (j) An elected coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920; or
- (k) A deputy coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920.

(2) As used in KRS 189.920 to 189.950, "public safety vehicle" means public utility repair vehicle; wreckers; state, county, or municipal service vehicles and equipment; highway equipment which performs work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; and vehicles which are escorting wide-load or slow-moving trailers or trucks.

189.920 Flashing lights and sirens.

(1) All fire department, rescue squad, or publicly owned emergency management agency emergency vehicles and all ambulances shall be equipped with one (1) or more flashing, rotating, or oscillating red lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and a siren, whistle, or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws.

(2) All state, county, or municipal police vehicles and all sheriffs' vehicles used as emergency vehicles shall be equipped with one (1) or more flashing, rotating, or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and a siren, whistle, or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws.

(3) By ordinance, the governing body of any city or county may direct that the police or sheriffs' vehicles in that jurisdiction be equipped with a combination of red and blue flashing, rotating, or oscillating lights.

(4) All public safety vehicles shall be equipped with one (1) or more flashing, rotating, or oscillating yellow lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle. Yellow flashing, rotating, or oscillating lights may also be used by vehicles operated by mail carriers while on duty, funeral escort vehicles, and church buses.

(5) All Department of Corrections vehicles used as emergency vehicles shall be equipped with one (1) or more flashing, rotating, or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle. The Department of Corrections vehicles shall not be equipped with or use a siren, whistle, or bell. The equipment prescribed by this subsection shall be in addition to any other equipment required by motor vehicle laws.

(6) (a) If authorized by the legislative body of a county, urban-county, charter county, consolidated local government, or unified local government:

1. All publicly owned county jail and regional jail vehicles used as emergency vehicles may be equipped with the one (1) or more flashing, rotating, or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle; and

2. An elected jailer or the chief administrator of a county or regional jail not managed by an elected jailer may equip one (1) personally owned vehicle with one (1) or more flashing, rotating, or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle.

(b) Publicly owned county jail or regional jail vehicles shall not be equipped with or use a siren, whistle, or bell.

(c) The equipment prescribed by this subsection shall be in addition to any other equipment required by the motor vehicle laws.

(7) Red flashing lights may be used by school buses.

(8) No emergency vehicle, public safety vehicle, or any other vehicle covered by KRS 189.910 to 189.950 shall use any light of any other color than those specified by KRS 189.910 to 189.950. Sirens, whistles, and bells may not be used by vehicles other than those specified by KRS 189.910 to 189.950, except that any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(9) Vehicles used as command posts at incidents may be equipped with and use when on scene, a green rotating, oscillating, or flashing light. This light shall be in addition to the lights and sirens required in this section.

(10) A personal vehicle used by a paid or volunteer firefighter, ambulance personnel, or emergency services director who is responding to an emergency shall display the lights required in subsection (1) of this section.

(11) An elected coroner may equip a publicly or privately owned motor vehicle, or both, with flashing, rotating, or oscillating red and blue lights and a siren meeting the requirements of this section solely for the purpose of responding to a report of the death of a human being subject to the following terms and conditions:

(a) The coroner makes a written request to the legislative body of the county, urban-county, charter county, consolidated local government, or unified local government in which the coroner was elected to equip a publicly or privately owned motor vehicle, or both, with flashing, rotating, or oscillating red and blue lights and a siren meeting the requirements of this section, and that request is approved by the legislative body by ordinance or by court order;

(b) The coroner may use the lights and siren only while responding to the scene of the report of a death of a human being and shall not, KRS 189.940 to the contrary notwithstanding, exceed the posted speed limit; and

(c) The permission granted pursuant to this section shall expire upon the coroner leaving office or the legislative body revoking the authorization.

(12) A deputy coroner certified pursuant to KRS Chapter 72 may equip a publicly owned or privately owned motor vehicle, or both, with flashing, rotating, or oscillating red and blue lights and a siren meeting the requirements of this section solely for the purpose of responding to a report of the death of a human being, subject to the following terms and conditions:

(a) The deputy coroner has made a written request to the coroner to equip a publicly owned or privately owned vehicle with flashing, rotating, or oscillating red and blue lights meeting the requirements of this section and the coroner has approved the request in writing;

(b) The coroner makes a written request to the legislative body of the county, urban-county, charter county, consolidated local government, or unified local government in which the coroner is elected to permit the deputy coroner to equip a publicly owned motor vehicle or privately owned motor vehicle, or both, and that request has been approved by the legislative body by ordinance or by court order;

(c) The deputy coroner may use the lights and siren only while responding to the scene of the report of the death of a human being and shall not, KRS 189.940 to the contrary notwithstanding, exceed the posted speed limit; and

(d) The permission granted pursuant to this section shall expire upon the coroner leaving office or the legislative body revoking the authorization.

189.940 Exemptions from traffic regulations.

(1) Except as provided in KRS 189.920, the speed limitations set forth in the Kentucky Revised Statutes do not apply to emergency vehicles:

(a) When responding to emergency calls; or

(b) To police vehicles when in pursuit of an actual or suspected violator of the law; or

(c) To ambulances when transporting a patient to medical care facilities; and

(d) The driver thereof is giving the warning required by subsection (5)(a) and (b) of this section.

No portion of this subsection shall be construed to relieve the driver of the duty to operate the vehicle with due regard for the safety of all persons using the street or highway.

(2) The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving the warning required by subsection (5) of this section, upon approaching any red

light or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed past such red or stop light or stop sign with due regard for the safety of persons using the street or highway.

(3) The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving warning required by subsection (5) of this section, may drive on the left side of any highway or in the opposite direction of a one-way street provided the normal lanes of traffic are blocked and he does so with due regard for the safety of all persons using the street or highway.

(4) The driver of an emergency or public safety vehicle may stop or park his vehicle upon any street or highway without regard to the provisions of KRS 189.390 and 189.450, provided that, during the time the vehicle is parked at the scene of an emergency, at least one (1) warning light is in operation at all times.

(5) The driver of an emergency vehicle desiring the use of any option granted by subsections (1) through (3) of this section shall give warning in the following manner:

(a) By illuminating the vehicle's warning lights continuously during the period of the emergency; and

(b) By continuous sounding of the vehicle's siren, bell, or exhaust whistle; unless

(c) The vehicle is an ambulance and the driver is of the opinion that sounding of the siren, bell, or exhaust whistle would be detrimental to the victim's health. In the event the driver of an ambulance elects not to use the siren, bell, or exhaust whistle he shall not proceed past red lights or drive in the opposite direction on a one-way street or in oncoming lanes of traffic unless no other vehicles are within five hundred (500) feet of the front of the ambulance. The driver shall not extinguish the warning lights during the period of the emergency.

(6) No driver or operator of any emergency or public safety or other vehicle shall use the warning lights or siren, bell, or exhaust whistle of his vehicle for any purposes or under any circumstances other than those permitted by KRS 189.910 to 189.950.

(7) KRS 189.910 to 189.950 does not relieve the driver of any emergency or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

NOTE: Because both House Bill 34 and House Bill 41 amended KRS 189.920, and because the amended language was in conflict, House Bill 34, which was enacted later, it is the controlling language in the following section. As a result, a small portion of House Bill 41 has been eliminated.