



HOUSE BILL No. 5392

March 3 1994 Introduced by Reps Profit Freeman Byrum London DeMars
Hammerstrom Dalman Yokich Palamara and Ciaramitaro and referred to the Committee on
Transportation

A bill to create the model emergency vehicle operation
policy commission to prescribe its membership powers and
duties to prescribe the powers and duties of certain state and
local agencies and departments and to provide for the develop-
ment and certification of emergency vehicle operation policies

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Sec 1 This act shall be known and may be cited as the
2 model emergency vehicle operation policy act

3 Sec 2 As used in this act

4 (a) Commission means the model emergency vehicle operation
5 policy commission created in section 3

6 (b) Council means the law enforcement council created by
7 section 3 of the Michigan law enforcement officers training
8 council act of 1965 Act No 203 of the Public Acts of 1965,
9 being section 28 603 of the Michigan Compiled Laws

1 (c) Department means the department of management and
2 budget

3 (d) Emergency operation means the operation of an emer-
4 gency vehicle in a manner described in or authorized by section
5 603 or 632 of the Michigan vehicle code Act No 300 of the
6 Public Acts of 1949 being sections 257 603 and 257 632 of the
7 Michigan Compiled Laws

8 (e) Emergency vehicle means any of the following

9 (i) A motor vehicle owned or operated by a law enforcement
10 agency

11 (ii) A motor vehicle owned or operated by a fire
12 department

13 (iii) A motor vehicle owned or operated by a life support
14 agency

15 (iv) A motor vehicle owned or operated by a volunteer
16 employee or paid employee of an entity described in subparagraphs
17 (i) to (iii) while the motor vehicle is being used to provide
18 emergency services for that entity

19 (f) Governmental agency means that term as defined in
20 section 1 of Act No 170 of the Public Acts of 1964 being
21 section 691 1401 of the Michigan Compiled Laws and includes a
22 combination of 1 or more governmental agencies

23 (g) Fire department means an organization or department
24 that provides fire suppression or other fire-related services
25 within a city village township or county

26 (h) Law enforcement agency' means a police agency of a
27 city village or township a sheriff s department the

1 department of state police including but not limited to the
2 motor carrier division of the department of state police the law
3 enforcement division of the department of natural resources a
4 police agency of a county or regional park whose officers are
5 appointed pursuant to section 14 of Act No 261 of the Public
6 Acts of 1965 being section 46 364 of the Michigan Compiled Laws
7 or a public safety department of a community college or a 4-year
8 institution of higher education whose officers are granted the
9 powers and authority of peace and police officers pursuant to
10 section 1 of Act No 120 of the Public Acts of 1990 being sec-
11 tion 390 1511 of the Michigan Compiled Laws or section 5a of Act
12 No 278 of the Public Acts of 1965 being section 390 715a of the
13 Michigan Compiled Laws

14 (1) Life support agency means that term as defined in
15 section 20906 of the public health code, Act No 368 of the
16 Public Acts of 1978 being section 333 20906 of the Michigan
17 Compiled Laws

18 (j) Motor vehicle means that term as defined in section 33
19 of Act No 300 of the Public Acts of 1949 being section 257 33
20 of the Michigan Compiled Laws

21 Sec 3 (1) The model emergency vehicle operation policy
22 commission is created in the department

23 (2) The commission shall consist of the following members

24 (a) The attorney general or his or her designee

25 (b) The director of the department of state police or his or
26 her designee

1 (c) The executive secretary of the council or his or her
2 designee

3 (d) One individual appointed as a member and 1 individual
4 appointed as an alternate member each selected from a list of
5 individuals provided by each of the following groups

6 (i) Michigan association of chiefs of police

7 (ii) Michigan sheriffs association

8 (iii) Criminal defense attorneys of Michigan

9 (iv) Michigan fire chiefs association

10 (v) Michigan association of counties

11 (vi) Michigan association of ambulance services

12 (vii) State bar of Michigan

13 (viii) Prosecuting attorneys association of Michigan

14 (ix) Michigan municipal league

15 (x) Michigan trial lawyers association

16 (xi) Michigan townships association

17 (e) One individual appointed as a member and 1 individual
18 appointed as an alternate member to represent the interests of
19 individuals who physically operate emergency vehicles

20 (f) Two individual appointed as members and 2 individuals
21 appointed as alternate members to represent the general public

22 An individual appointed under this subparagraph shall not hold an
23 elected or appointed position in state or local government

24 (3) Each entity that provides a list of individuals under
25 subsection (2)(d) shall specifically state which individuals are
26 being nominated for appointment as a member and which individuals
27 are being nominated for appointment as an alternate member The

1 governor shall only appoint an individual as a member if the
2 individual was nominated for appointment as a member and shall
3 only appoint an individual as an alternate member if the individ-
4 ual was nominated for appointment as an alternate member

5 (4) Except for initial members a member of the commission
6 appointed under subsection (2)(d) to (f) shall serve for a term
7 of 2 years or until a successor is appointed Of the members
8 initially appointed under subsection (2)(d) to (f) 4 of the mem-
9 bers shall be appointed for a term of 4 years 5 of the members
10 shall be appointed for a term of 3 years and 5 of the members
11 shall be appointed for a term of 2 years

12 (5) A vacancy on the commission shall be filled in the same
13 manner as the original appointment

14 (6) If a member of the commission is absent from a commis-
15 sion meeting the individual serving as the alternate member for
16 that member shall act as a member of the commission at that
17 meeting

18 (7) The members of the commission shall be appointed within
19 90 days after the effective date of this act

20 Sec 5 (1) Within 90 days after appointment and confirma-
21 tion of all members, the commission shall adopt bylaws for the
22 operation of the commission At a minimum the bylaws shall
23 include voting procedures and minimum requirements for attendance
24 at meetings

25 (2) The commission shall hold a regular annual meeting at a
26 place and on a date fixed by the commission Special meetings

1 may be called by the chairperson or by not less than 7 commission
2 members on at least 3 business days actual notice

3 (3) A majority of the commission members appointed and serv-
4 ing constitutes a quorum Final action by the commission shall
5 be only by affirmative vote of a majority of the commission mem-
6 bers appointed and serving A commission member shall not vote
7 by proxy

8 (4) The members of the commission shall serve without
9 compensation Expenses of members incurred in the performance of
10 official duties shall be reimbursed as provided by law for state
11 employees

12 (5) The council shall assist the commission in performing
13 its duties The department shall provide facilities for commis-
14 sion meetings and necessary office and clerical assistance

15 Sec 7 A writing prepared owned used in the possession
16 of or retained by the commission in the performance of an offi-
17 cial function is exempt from disclosure under the freedom of
18 information act Act No 442 of the Public Acts of 1976 being
19 sections 15 231 to 15 246 of the Michigan Compiled Laws

20 Sec 9 Within 1 year after its first meeting the commis-
21 sion shall develop a model emergency vehicle operation policy
22 governing emergency operation of emergency vehicles by a govern-
23 mental agency A model emergency vehicle operation policy devel-
24 oped under this section shall do all of the following

25 (a) Define the model policy s coverage

26 (b) Recognize that emergency operation may involve the use
27 of potentially deadly force

1 (c) Identify the circumstances warranting initiation
2 maintenance or termination of an emergency operation based on
3 the following criteria

4 (i) The risks to the physical safety of employees and the
5 public including innocent bystanders of initiating or maintain-
6 ing an emergency operation

7 (ii) For emergency operations involving the pursuit of a
8 person charged with or suspected of a violation of law the
9 danger to society of not effecting immediate apprehension
10 including consideration of the seriousness and immediacy of the
11 threat posed by a pursued person and the adequacy of alternative
12 apprehension methods

13 (d) Identify procedures for a governmental agency's initia-
14 tion, maintenance, and termination of an emergency operation and
15 include all of the following

16 (i) Authorization for an employee other than an employee
17 actively engaged in the emergency operation to prohibit modify,
18 or terminate the emergency operation

19 (ii) Specific rules governing emergency operations that
20 cross jurisdictional boundaries

21 (iii) Specific rules governing permissible emergency opera-
22 tion methods and tactics

23 (e) Establish guidelines requiring a governmental agency to
24 internally monitor the effects of its emergency operation
25 policy

26 (f) Establish minimum requirements for emergency vehicle
27 operators to be certified by a governmental agency and provide

1 rebutted by evidence establishing that the policy or policy
2 portion does not comply with section 9 or meet the standards
3 established by the commission for emergency operations

4 (4) If a governmental agency discontinues all or a portion
5 of an emergency vehicle operation policy certified under this
6 act the governmental agency shall immediately inform the commis-
7 sion in writing of the date on which the certified emergency
8 vehicle operation policy was discontinued

9 Sec 15 (1) The commission may promulgate rules to imple-
10 ment this act

11 (2) The commission shall meet at least once annually to
12 review the emergency vehicle operation policy developed under
13 section 9 and the rules promulgated under this act

14 Sec 16 This act shall not take effect unless all of the
15 following bills of the 87th Legislature are enacted into law

16 (a) Senate Bill No ____ or House Bill No ____ (request
17 no 00188 93 a *)

18 (b) Senate Bill No 1041 or House Bill No ____ (request
19 no 00189 93 ****)

20 (c) Senate Bill No 1042 or House Bill No ____ (request
21 no 00190 93 ***)