

OPINION
63-64

December 10, 1963 (OPINION)

CIVIL DEFENSE

RE: Emergency Vehicles

In your letter of November 19, 1963, you requested an opinion in regard to the following:

1. The North Dakota Civil Defense Association has requested that the state, city-county privately owned Civil Defense vehicles be authorized as class 'A' emergency vehicles so as to be eligible to display flashing red lights while on official status."

You then request us to advise how this may be accomplished and the procedure to be followed.

Section 39-01-01 of the North Dakota Century Code, as found in the 1963 Pocket Supplement, reads as follows:

DEFINITIONS. In this title, unless the context or subject matter otherwise requires:

1. Authorized emergency vehicles:
 - a. Class A authorized emergency vehicles shall mean:
 - (1) Vehicles of a governmental owned fire department;
 - (2) Vehicles when operated by or under the control of a police officer having authority to enforce the provisions of this title pertaining to all motor vehicles or by a salaried employee of any municipal police department within the municipality or by any sheriff or deputy sheriff not to include special deputy sheriffs, or by the warden of the state penitentiary and his authorized agents;
 - (3) Ambulances;
 - (4) Vehicles operated by or under the control of the commissioner, and district deputy commissioner, and district deputy game warden of the North Dakota game and fish department;
 - (5) Vehicles owned or leased by the United States Government used for law enforcement purposes:

* * * *."

You will note that under the statutory provisions for class A emergency vehicles that vehicles owned by the civil defense organization are not included. It is therefore our opinion since they are excluded under the definitions of class A authorized emergency vehicles that they cannot be designated as such.

It is our suggestion that should the director of the North Dakota civil defense organization deem this action necessary that legislation be prepared amending the above-quoted section so as to include civil defense vehicles and that the same be presented to the 1965 session of the Legislature.

We would like to point out that section 39-01-01.1(b) of the North Dakota Century Code, 1963 Pocket Supplement, reads as follows:

- b. Class B authorized emergency vehicles shall mean wrecker and such other emergency vehicles as are authorized by the local authorities; * * *."

It is our opinion then that should the local authorities deem the civil defense vehicles as emergency vehicles, they could then be classified "Class B."

Section 39-10-03.1 of the North Dakota Century Code, 1963 Pocket Supplement, reads as follows:

CLASS B. AUTHORIZED EMERGENCY VEHICLES.

1. The driver of class B authorized emergency vehicles may:
 - a. Park or stand, irrespective of the provisions of this chapter;
 - b. Exceed the speed limit so long as he does not endanger life or property during the time of a local or national disaster;
 - c. Disregard regulations governing direction of movement or turning in specified directions.* * *."
2. The exceptions herein granted to a class B authorized emergency vehicle shall apply only when the authorized emergency vehicle is displaying an amber light visible under normal atmospheric conditions for a distance of five hundred feet in any direction, and
 - a. When it is necessary for the authorized emergency vehicle to use these exemptions for the immediate protection of life or property;
 - b. When an authorized emergency vehicle is stopped on a highway for the purpose of performing a duty as required of him; or
 - c. When traveling at a speed slower than the normal flow of traffic.

Pursuant to this provision, the civil defense would be allowed to display an amber light. Perhaps for the purpose that it desires, an amber light would suffice.

Assuming that an amber light would be satisfactory, the procedure to be followed would be to have the local authorities, i.e., either the city or county governing body, permit the classification of such vehicles as class B. It would then be up to the local civil defense unit to provide the funds to purchase the equipment desired.

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