

COUNTY OF MAUI
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INTER-OFFICE CORRESPONDENCE

September 26, 2002

MEMO TO: Floyd Miyazono, Director, Department of Parks and Recreation

F R O M: ^{JW} Judith M. E. Williams, Deputy Corporation Counsel

SUBJECT: Ocean Safety Officers Use of Emergency Response System

On July 25, Parks sent a request to Corporation Counsel to amend §291C-26 Hawaii Revised Statutes. §291C-1 HRS defines an authorized emergency vehicle as "fire department vehicles, police vehicles, and ambulances as are publicly owned and **such other publicly or privately owned vehicles as are designated by the city or county council.**" (Emphasis added) Therefore, vehicles used by Ocean Safety Officers are not considered "authorized emergency vehicles unless designated by the Maui County Council.

Effective October 1, 2002 Ocean Safety Officers will be using the emergency radio frequency to communicate to the Fire and Police Departments regarding ocean or beach rescues. They are advised not to use lights and sirens until the Chief of Police has approved use of lights and sirens and until the County Council has approved their use as "authorized emergency vehicles," by amending Section 10.04.600 of the Maui County Code.

The Aquatics Division of the Department of Parks and Recreation has revised its General Orders to provide a protocol for its controlled dispatching and response. These changes were made after consultation with the Police and Fire Departments. In order to more effectively respond, Aquatics has identified a need to use its trucks to transport rescue personnel using lights and sirens when a crisis occurs at a location not attended by or between other staffed locations.

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The following language is recommended, to amend the Maui County Code to specifically designate the Ocean Safety Response Vehicles as authorized emergency vehicles.

The pertinent section of the code now reads:

Maui County Code Section 10.04.600 Vehicle, authorized emergency (Defined).

"Authorized emergency vehicle" means any vehicle of the fire department or police vehicle, all ambulances, and such emergency vehicles of government departments or used in public service as are designated or authorized by the board of supervisors. (Ord. 413 section 10-2.1 (54), 1965).

This section should be amended to read:

Authorized emergency vehicle means any vehicle of the fire department, police vehicles, ambulances, ocean safety response vehicles) and such emergency vehicles of government departments or used in public service as are designated or authorized by the [board of supervisors] County Council.

You are also informed of the following relevant statutes:

Maui County Code 10.20.270 Audible and visible signals on vehicles.

A. Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings, required by this title, be equipped with a siren, exhaust whistle, or bell capable of giving an audible signal.

Maui County Code 10.20.300 Lighting devices-Approval authority of chief of police.

A. The chief of police is authorized to approve or disapprove lighting devices and to issue and enforce regulations establishing standards and specifications for

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the approval of such lighting devices, their installation, adjustment and aiming, and adjustment when in use on motor vehicles, . . .

This imposes a requirement on Aquatics to obtain approval from the Chief of Police for the use of lights (and sirens).

Aquatics has expressed an understanding of the duty of care imposed on drivers of emergency vehicles and the need for specific training and familiarity with §291C-26 Hawaii Revised Statutes **Authorized emergency vehicles**, as amended (2002) see attached.


Please advise whether Parks is requesting the above suggested change to MCC 10.04.600. We recommend that you meet with representatives of both the Fire Control and Police departments prior to submitting any proposed amendments to the County Council

JEW:epg

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cc: Thomas Phillips, Chief, Department of Police
Clayton Ishikawa, Chief, Fire Control

APPROVED FOR TRANSMITTAL



JAMES B. TAKAYESU
Corporation Counsel

HI ST § 291C-26
HRS § 291C-26

This document has been updated. Use KEYCITE.

HAWAII REVISED STATUTES ANNOTATED
DIVISION 1. GOVERNMENT
TITLE 17. MOTOR AND OTHER VEHICLES
CHAPTER 291C. Statewide Traffic Code
PART III. OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

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Current through 2001 Third Special Session of the Twenty-First Legislature

(§ 291C-26). Authorized emergency vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

(1) Park or stand irrespective of the provisions of this chapter;

(2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(3) Exceed the maximum speed limits so long as the driver does not endanger life or property;

(4) Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions granted in this section to an authorized emergency vehicle shall apply only when the vehicle is making use of authorized audible and visual signals, except as otherwise provided by county ordinance.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others.

[L 1971, c 150, pt of § 1; am imp L 1984, c 90, § 1]

<General Materials (GM) - References, Annotations, or Tables>

H R S § 291C-26

HI ST § 291C-26

HI LEGIS 93 (2002)
2002 Hawaii Laws Act 93 (H.B. 2349)

HAWAII 2002 SESSION LAWS
2002 REGULAR SESSION OF THE 21st LEGISLATURE

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Additions are indicated by <<+ Text +>>; deletions by <<- Text ->>. Changes in tables are made but not highlighted. Vetoed provisions within tabular material are not displayed.

Act 93
H.B. No. 2349
EMERGENCY VEHICLES--AUTHORIZED DRIVING ROUTES

A BILL FOR AN ACT RELATING TO AUTHORIZED EMERGENCY VEHICLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 291C-26, Hawaii Revised Statutes, is amended to read as follows:

<< HI ST § 291C-26 >>

§ <<-[->>291C-26<<-]->> Authorized emergency vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm<<-,->> <<+and vehicles used by police officers while in the performance of a police function,+>> may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

- (1) Park or stand irrespective of the provisions of this chapter;
- (2) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
- (3) Exceed the maximum speed limits so long as the driver does not endanger life or property;
- (4) Disregard regulations governing direction of movement or turning in specified directions<<-.->><<+;+>>
- <<+(5) Drive on the shoulder and median of roadways; and+>>
- <<+(6) Drive in controlled-access roadways, highways, and facilities.+>>

(c) The exemptions granted in this <<-section->> <<+subsection (b) (5) and (6)+>> to an authorized emergency vehicle shall apply only when the vehicle is making use of authorized audible and visual signals, except as otherwise provided by county ordinance. <<+This subsection shall not apply to police motorcycles.+>>

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall ~~such~~ those provisions protect the driver from the consequences of the driver's reckless disregard for the safety of others.

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

Approved May 31, 2002.

HI LEGIS 93 (2002)

END OF DOCUMENT