



**THE ATTORNEY GENERAL
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December 20, 1971

Hon. W. Murray Jordan
District Attorney
107 East Main
Brady, Texas 76825

Opinion No. M-1017

Re: Must private vehicles used by volunteer firemen in responding to fire alarms be equipped with the audible and visual signals required by Section 124, Article 670ld, Vernon's Civil Statutes, in order to qualify such vehicle as an "authorized emergency vehicle" and related questions.

Dear Mr. Jordan:

You have asked our opinion as to the applicability of Section 124, Article 670ld, Vernon's Civil Statutes, requiring audio and visual warning devices for emergency vehicles, to volunteer firemen answering fire alarms in their personal motor vehicles. You ask our views as follows:

". . .The problem is, must every volunteer fireman equip his private auto with such audible and visual signals in order to be classified as an authorized emergency vehicle. Also may a volunteer fireman have such lights (unlighted) on his vehicle at times other than when answering fire alarms.

"Additionally, may the two alternately flashing red lights be located inside the vehicle in such a location as they may be seen through both the front windshield and the rear window."

Section 124 of Article 670ld was amended by the 62nd Legislature and now reads in pertinent part as follows:

"Sec. 124. (a). Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required

by this Act, be equipped with a siren, exhaust whistle or bell capable of giving an audible signal.

"(b) Every school bus and every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this Act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred (500) feet in normal sunlight.

". . .

"(d) The alternately flashing lighting described in Subsections (b) and (c) of this section shall not be used on any vehicle other than a school bus or an authorized emergency vehicle."

Section 2(d) of Article 670ld, defines an "authorized emergency vehicle" to include:

"Vehicles of the fire department (fire patrol) . . . and private vehicles operated by volunteer firemen while answering a fire alarm."

It therefore seems clear that the private vehicle of a volunteer fireman, answering a fire alarm may qualify as an "authorized emergency vehicle", but only if the vehicle is equipped as provided in Section 124 of Article 670ld.

It additionally follows that the private vehicle of a volunteer fireman that will be used for answering fire alarms may have the lighting and audio signals required by Section 124 on his vehicle at all times so as to be in a position to make use of such when responding to fire alarms.

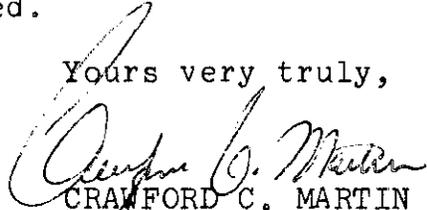
With respect to locating the prescribed lights inside the vehicle so as to be visible front and rear as required by Section 124, a question of fact arises as to whether such an installation meets the injunction of Section 124 to mount the signal

lamps "as high and as widely spaced laterally as practicable". In many cases where there is ample rear windshield lateral visibility, such an installation would probably meet the standards of the statute.

S U M M A R Y

A private vehicle used by volunteer firemen to respond to fire alarms must be equipped with the audible and visual signals required by Section 124, Article 670ld, Vernon's Civil Statutes, in order to qualify such vehicle as an "authorized emergency vehicle" as defined by Section 2(d), Article 670ld, Vernon's Civil Statutes. Such private vehicles may have such signals installed when not in use to answer fire alarms. The placement of such visual signals so as to satisfy the position requirements of Section 124 is a matter of fact depending on the vehicle involved.

Yours very truly,



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