

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/14/17  
**A Bill**

HOUSE BILL 2188

By: Representative Tosh

### For An Act To Be Entitled

AN ACT TO CLARIFY WHEN CERTAIN EMERGENCY VEHICLES ARE  
REQUIRED TO DISPLAY FLASHING LIGHTS; TO AMEND THE LAW  
CONCERNING THE LIABILITY ASSOCIATED WITH THE FAILURE  
TO DISPLAY FLASHING LIGHTS; AND FOR OTHER PURPOSES.

### Subtitle

TO CLARIFY WHEN CERTAIN EMERGENCY  
VEHICLES ARE REQUIRED TO DISPLAY FLASHING  
LIGHTS; TO AMEND THE LAW CONCERNING THE  
LIABILITY ASSOCIATED WITH THE FAILURE TO  
DISPLAY FLASHING LIGHTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

*SECTION 1. Arkansas Code § 27-37-202(b)(3)(B), concerning horns and  
warning devices on emergency vehicles, is amended to read as follows:*

~~*(B) The warning device shall not be used except when the  
vehicle is operated in response to an emergency call or in the immediate  
pursuit of an actual or suspected violator of the law; in which event, the  
driver of the vehicle shall sound the warning device when necessary to warn  
pedestrians and other drivers of the approach thereof*~~

*(B)(i) Except as provided under § 27-51-905, the driver of  
an emergency vehicle shall sound a warning device:*

*(a) When necessary to warn pedestrians and  
other drivers that the emergency vehicle is approaching; and*

*(b) While the emergency vehicle is being  
operated in response to an emergency call or in the immediate pursuit of an*



actual or suspected violator of the law.

(ii) The warning device shall not be used by the driver of an emergency vehicle except when the emergency vehicle is being operated as required under subdivision (b)(3)(B)(i) of this section.

SECTION 2. Arkansas Code § 27-49-109 is amended to read as follows:

27-49-109. Drivers of authorized emergency vehicles.

(a)(1) The driver of any authorized emergency vehicle when responding to an emergency call upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety but may proceed cautiously past the red or stop sign or signal.

(2) At other times, drivers of authorized emergency vehicles shall stop in obedience to a stop sign or signal.

(b) ~~No~~ A driver of any authorized emergency vehicle shall not assume any special privilege under this act except when:

(1) ~~the~~ The authorized emergency vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law; and

(2) The driver of the authorized emergency vehicle is operating the vehicle's emergency lights and operating an audible warning device.

(c) The driver of an authorized emergency vehicle operated as a police vehicle is not required to operate a siren or flashing lights when operating the emergency vehicle as authorized under § 27-51-905.

SECTION 3. Arkansas Code § 27-51-202 is amended to read as follows:

27-51-202. Restrictions not applicable to emergency vehicles.

(a)(1) The prima facie speed limitations ~~set forth in this~~ under this subchapter ~~shall~~ do not apply to authorized emergency vehicles ~~when~~ responding to emergency calls when the driver ~~thereof~~ of the emergency vehicle is operating the vehicle's emergency lights and is also operating an audible signal by bell, siren, or exhaust whistle if other vehicles are present.

(2) The driver of an authorized emergency vehicle operated as a police vehicle is not required to operate a siren or flashing lights when operating the emergency vehicle as authorized under § 27-51-905.

(b) This section ~~shall~~ does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the street, nor shall it protect the driver of any emergency vehicle from the consequence of a reckless disregard of the safety of others.

(c) For purposes of this section, "emergency calls" means legitimate emergency situations which call for the operation of an emergency vehicle, ~~including a police vehicle.~~

SECTION 4. Arkansas Code Title 27, Chapter 51, Subchapter 9, is amended to add an additional section to read as follows:

27-51-905. Police vehicle exceptions.

(a) An authorized emergency vehicle operated as a police vehicle is not required to operate the vehicle's siren or flashing lights when the emergency vehicle is responding to an emergency call or when in pursuit of an actual or suspected violator if the emergency vehicle is being used to:

(1) Obtain evidence of a speeding violation;

(2) Respond to a suspected crime in progress when use of an audible or visual signal could result in the destruction of evidence or escape of a suspect; or

(3) Conduct surveillance of a vehicle or the passengers of a vehicle who are suspected of involvement in a crime.

(b) This section does not relieve the driver of an authorized emergency vehicle operated as a police vehicle from:

(1) The duty to drive with regard for the safety of all persons using the street; or

(2) Any legal consequence resulting of a reckless disregard of the safety of others.

/s/Tosh

APPROVED: 04/01/2017