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UNIFORM TRAFFIC ACT — MOTOR VEHICLE OWNED BY VOLUNTEER FIREMAN — USED OCCASIONALLY TO TRANSPORT OWNER TO SCENE OF FIRE — NOT “EMERGENCY VEHICLE” — NOT ENTITLED TO PRIVILEGES GRANTED, SECTIONS 6307-2 AND 6307-1 TO 6307-110 GENERAL CODE.

SYLLABUS:

A motor vehicle which is owned by a volunteer fireman and which is used occasionally to transport its owner to the scene of a fire is not an “emergency vehicle” as that term is defined in Section 6307-2, General Code. Such vehicle, therefore, is not entitled to the privileges granted emergency vehicles by the provisions of the Uniform Traffic Act, Sections 6307-1 to 6307-110, inclusive, General Code.

Columbus, Ohio, February 6, 1942.

Hon. Roland Pontius, Prosecuting Attorney, Ashtabula County,
Jefferson, Ohio.

Dear Sir:

This will acknowledge receipt of your request for my opinion on the following questions:

“Is the privately owned motor vehicle of a volunteer fire-

man or fire chief, used by them in going to and returning from fires, an "emergency vehicle" under the provisions of Section 6307-2 of the General Code?

"Should such vehicle be equipped with a siren approved by the State Fire Marshal, as provided for in the later sub-section of the same Act?"

You have also submitted a further question as follows:

"May a political subdivision purchase a fire siren to be used upon a privately used vehicle owned by and used by a volunteer fireman, and pay for such siren from public funds?"

Section 6307-2, General Code, defines the term "emergency vehicle" as:

"Fire department, police and state highway patrol vehicles and emergency vehicles of municipal departments or public utility corporations, when identified as such as required by law, the director, or local authorities, and motor vehicles when commandeered by a police officer and ambulances."

Under the above definition emergency vehicles may be placed in four classifications, viz:

1. Fire department vehicles, when identified as such as required by law, by the director of highways or by local authorities; police vehicles, when identified as such as required by law, by the director of highways or by local authorities, and state highway patrol vehicles, when identified as such as required by law, by the director of highways, or by local authorities:

2. Emergency vehicles of municipal departments, when identified as such as required by law, by the director of highways or by local authorities; emergency vehicles of public utility corporations, when identified as such as required by law, by the director of highways, or by local authorities;

3. Motor vehicles when commandeered by a police officer.

4. Ambulances.

From the above it is at once apparent that privately owned vehicles

do not fall within any of the above classifications. A privately owned vehicle of a volunteer fireman is obviously not a fire department, police or state highway patrol vehicle, nor is it a vehicle belonging to a municipal department or a public utility corporation, and consequently could not, under the above definition, be termed emergency vehicle.

Volunteer firemen of course, should endeavor to reach the scene of a fire with proper equipment for the extinguishing of the same, at the earliest possible moment, and for such reason it would seem that vehicles when used by volunteer firemen in going to a fire should be accorded the privileges granted to emergency vehicles. However this may be, the General Assembly has not seen fit to do so.

Where the language of a statute is plain and free from doubt and conveys a clear and definite meaning there is no occasion to interpret the same. In the instant case the statute on its face is free from ambiguity and may, therefore, be given no construction other than that which the words thereof demand.

Having reached the above conclusion with respect to your first question, a consideration of your second and third questions is unnecessary.

You are therefore advised that in my opinion, a motor vehicle which is owned by a volunteer fireman and which is used occasionally to transport its owner to the scene of a fire is not an "emergency vehicle" as that term is defined in Section 6307-2, General Code. Such vehicle, therefore, is not entitled to the privileges granted emergency vehicles by the provisions of the Uniform Traffic Act, Sections 6307-1 to 6307-110, inclusive, General Code.

Respectfully,

THOMAS J. HERBERT
Attorney General.