




New York State
Department of Health
Bureau of Emergency Medical Services

POLICY STATEMENT

Supercedes/Updates: 98-01

No. 01 - 01

Date: 04/11/01

**Re: Authorizing Private
Vehicles as EASVs (Use of
Red Lights and Sirens)**

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Introduction:

This policy is intended to clarify the requirements and procedures for utilizing personally owned vehicles (POV) as Emergency Ambulance Service Vehicles (EASV).

Authorization as an EASV involves more than just the use of red lights and a siren on a vehicle. It is expected that every EASV is in compliance with all of the provisions of 10 NYCRR Part 800.21 & .26. This includes proper agency identification, vehicle marking and patient care equipment. All vehicles authorized by the service as EASVs may be subject to inspection. In the event violations to the code are found, the violations will be charged against the service authorizing the vehicle.

Legal Basis for Use of Red Lights and Sirens in Private Vehicles

The New York State Vehicle and Traffic Law, § 115-c states:

“An emergency ambulance service vehicle shall be defined as an appropriately equipped motor vehicle owned or operated by an ambulance service as defined in section three thousand one of the public health law and used for purposes of transporting emergency medical personnel and equipment to sick and injured persons.”

The Attorney General has issued an opinion (dated May 4, 1995) interpreting this section of the law as follows:

“...‘owned or operated by’ includes an appropriately equipped privately-owned vehicle operated by an agent of an ambulance service and used in transporting emergency medical personnel and equipment to sick and injured persons.”

The Counsel to the Commissioner of Motor Vehicles previously rendered an opinion that states;

“An emergency medical technician, whether a paid employee or a volunteer, performing duties for an ambulance service may equip his private vehicle with red lights and sirens and may use these red lights and sirens, in accordance with the above quoted section 115-c, to arrive at the scene of an emergency faster.”

Authorization

An ambulance service shall issue written authorization using the Emergency Vehicle Authorization Card (DOH-4136). The authorization card shall be signed by both the Chief Executive Officer of the service and the EMT to whom it is issued. A copy of the authorization card and a record of it being issued shall be maintained by the service.

Authorization expires on the expiration date of the individual's EMT certification. The ambulance service may impose a shorter authorization period (e.g. annual) and has the authority, without department approval, to remove the authorization at anytime for cause.

The EASV authorization shall be considered **invalid** for the following reasons:

- The individual is no longer an active member or employee of the authorizing ambulance service.
- The individual is not currently certified by the New York State Department of Health as an Emergency Medical Technician or Advanced Emergency Medical Technician.
- The service is no longer certified by the New York State Department of Health as an ambulance service.

An ambulance service is ***not required*** to issue any EASV authorization to a member or employee if the service feels it is not necessary for the operation of the service. The Commissioner of the New York State Department of Motor Vehicles has stated in an opinion:

“Because the law allows an emergency medical technician to use red flashing lights does not mean that an ambulance service has to allow it. Due to the fear of liability, or for other reasons, an ambulance service may prohibit some or all of its members from using red flashing lights.”

Agency Policies and Procedures:

Any service wishing to authorize its employees/members to use their personal vehicles as EASVs must develop and implement an agency policy and procedures for the issuance of EASV authorization. It is recommended these include, but may not be limited to, the following:

- a) The issuance of such authorization.
- b) Training requirements prior to the issuance of the authorization.
- c) Maintaining authorization.
- d) Equipment, maintenance, and inventory requirements.
- e) Documentation requirements for the routine inventory of equipment and supplies.

- f) Insurance coverage.
- g) Maintaining a copy of the members EMT certification, Driver's License, Vehicle Registration and verification of DMV Inspection.
- h) Vehicle operations, response etc.
- i) Procedures for revoking the authorization.

Training:

Prior to the issuance of authorization for an EASV the organization should assure the member/employee is appropriately trained in the operation of an emergency vehicle. It is recommended that the member/employee have completed at least one of the following courses:

- Emergency Vehicle Operators Course (NYS Office of Fire Prevention and Control)
- Coaching the Emergency Vehicle Operator – Ambulance (National Safety Council)
- Ambulance Accident Prevention Seminar (NYS DOH)
- Emergency Vehicle Operators Course – Ambulance (US DOT NHTSA)

Accountability:

A personal vehicle authorized as an EASV must meet all the requirements of the NYS Vehicle and Traffic Law, Article 30 of the Public Health Law, 10 NYCRR Part 800 and all applicable EMS Policy Statements.

The inappropriate use of red lights and sirens and/or the unsafe operation of any EASV may subject the EMT to violations of the Vehicle and Traffic Law.

Procedure for obtaining EASV authorization cards:

Only agencies certified as ambulance services by the Department of Health may apply for authorization of personally owned EASVs.

- 1) Prior to issuance of authorization as an EASV the Chief Executive, or their designee, shall complete a copy of the Affirmation of Compliance (DOH - 1881) that indicates each vehicle is in compliance with 10 NYCRR part 800 and have it notarized.
- 2) Any time a vehicle is added to the list of authorized vehicles an Affirmation of Compliance must be completed and notarized for the added vehicle. In the event a vehicle is removed, the department must be notified in writing.
- 3) The completed Affirmation of Compliance shall be sent to the DOH regional office for the service's operating area. The regional office will issue the appropriate window decal(s) and NYS Certification "logo" stickers for the vehicle(s).

- 4) A copy of the completed and executed Affirmation of Compliance shall be sent, along with a cover memo on agency letterhead, to the Bureau of EMS's Central Office. The

Central Office will issue the numbered Emergency Vehicle Authorization Cards (DOH - 4136) to the service.

Authorized & Issued By
Edward G. Wronski, Director
Bureau of Emergency Medical Services