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November 10, 1992

ATTORNEY GENERAL OPINION NO. 92- 142

Mr. Rod Ludwig  
Mitchell County Attorney  
112 E. Court  
Beloit, Kansas 67420

Re: Automobiles and Other Vehicles--Uniform Act  
Regulating Traffic; Powers of State and Local  
Authorities--Designation of Authorized Emergency  
Vehicles; Authorization by One or Multiple Counties

Synopsis: K.S.A. 8-2010, as amended by L. 1992, ch. 141  
requires designation of each emergency vehicle by  
only the county with primary jurisdiction over the  
vehicle. Cited herein: K.S.A. 8-2010, as amended  
by L. 1992, ch. 141, § 4; L. 1992, ch. 141, § 2.

\* \* \*

Dear Mr. Ludwig:

You request our opinion regarding 1992 House Bill No. 3157 (L. 1992, ch. 141) as it amends K.S.A. 8-2010. Specifically, you inquire whether the designation of emergency vehicles required by this bill must be made by all counties in which the vehicle is operated or only that county in which the vehicle is located.

New section 2 of house bill 3157 provides that no motor vehicle with a red light, siren or both may be operated in this state unless it has been properly designated as an authorized emergency vehicle pursuant to K.S.A. 8-2010, as amended. K.S.A. 8-2010 is amended by the bill to read as follows:

"(a) Any particular vehicle shall be designated, by the board of county commissioners in which such vehicle is located, as an authorized emergency vehicle upon the filing of an application pursuant to section 1 and a finding that designation of such vehicle is necessary to the preservation of life or property or to the execution of emergency governmental functions. The designation shall be in writing and the written designation shall be carried in the vehicle at all times, but failure to carry the written designation shall not affect the status of the vehicle as an authorized emergency vehicle.

"(b) Any vehicle designated as an authorized emergency vehicle prior to the effective date of this act, may continue to operate as an authorized emergency vehicle, as long as: (1) The ownership of such vehicle remains unchanged; and (2) the use of such vehicle for purposes of which such vehicle was designated remains unchanged, except that all future operation of such vehicle as an authorized emergency vehicle shall be in accordance with this section and such other applicable provisions of law." (Emphasis added.)

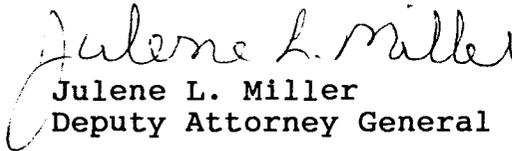
The committee minutes of the hearings on house bill 3157 reveal that the purpose of the bill was to "transfer the authority of issuing emergency vehicle designations [from the secretary of transportation] to the county commissioners so the activity can be properly monitored and enforced under one local jurisdiction." Minutes, Senate Committee on Transportation and Utilities, March 25, 1992, (emphasis added). See also, Minutes, House Committee on Transportation, March 2, 1992, attachment 1. The above-emphasized language of K.S.A. 8-2010, as amended, remained unchanged from the time the bill was introduced until the time it was passed. See 1992 Senate and House Actions Report, p. 156 (Final Report, Friday, May 29, 1992). It does not appear that the legislature intended to further complicate designation of emergency vehicles by requiring multiple authorizations. We therefore believe the legislature intended to require only one

county to designate each emergency vehicle, that county being the one with the greatest control over the vehicle because of the use to which it is put or because it is garaged or kept in that county when not in use.

Very truly yours,



ROBERT T. STEPHAN  
Attorney General of Kansas



Julene L. Miller  
Deputy Attorney General

RTS:JLM:jm