

**Introduced by Senator Wolk**

February 18, 2010

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An act to amend Section 35002 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1220, as introduced, Wolk. Vehicles: emergency vehicles: fire apparatus.

(1) Existing law requires specified authorized emergency vehicles owned and operated by a governmental agency that are first purchased on or after January 1, 1994, to meet certain size, weight, and load requirements, including the requirement that the manufacturer weigh and certify fire apparatus to determine compliance with weight requirements. Existing law defines a "fire apparatus" as, among other things, a vehicle designed, maintained, and used exclusively for the suppression of fires or for fire prevention activities, including the training of firefighters.

This bill would instead define a "fire apparatus" as a vehicle designed to be used under emergency conditions to transport personnel and equipment, or to support the suppression of fires or mitigation of other hazardous situations, consistent with Standard 1901 of the National Fire Protection Association.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 35002 of the Vehicle Code is amended  
2 to read:

3 35002. (a) (1) This division does not apply to ~~any~~ *an*  
4 authorized emergency vehicle owned or operated by a  
5 governmental agency while being used in responding to and  
6 returning from emergency fire calls, while being moved from place  
7 to place in anticipation of emergency fire calls, when used during  
8 training in any fire service application or during fire prevention  
9 activities, or when vehicles ordinarily used for those purposes are  
10 necessarily transported for vehicle maintenance, repair, or service.  
11 This subdivision only applies to vehicles purchased prior to January  
12 1, 1994. Vehicles purchased on January 1, 1992, to and including  
13 December 31, 1993, shall meet the applicable requirements of  
14 Standards 1901 to 1904, inclusive, of the National Fire Protection  
15 Association, as those standards were in effect on December 31,  
16 1991.

17 (2) All vehicles described in paragraph (1) first purchased on  
18 or after January 1, 1994, shall comply with the applicable permit  
19 requirements adopted by the Department of Transportation.

20 (3) For purposes of this section, “purchased” means the date  
21 that the operating agency enters into a contract to purchase the  
22 vehicle.

23 (b) All vehicles described in subdivision (a) purchased on or  
24 after January 1, 1994, shall meet the following requirements:

25 (1) It shall be the responsibility of the manufacturer to provide  
26 a gross axle weight rating (GAWR), gross combined weight rating  
27 (GCWR), and gross vehicle weight rating (GVWR), adequate to  
28 carry a full water tank with the allowance for personnel and  
29 miscellaneous equipment, including hose load, shown in the table  
30 below:

	Personnel	Misc. Equipment
31		
32		
33 Pumpers	1,200 lbs.	2,000 lbs.
34 Light attack		
35 apparatus	600 lbs.	900 lbs.
36 Water towers	1,200 lbs.	1,500 lbs.
37 Aerial platforms with		
38 ground ladders	1,200 lbs.	2,500 lbs.

1	Aerial ladders with			
2	ground ladders	1,200 lbs.	2,500 lbs.	

3  
4  
5 Fire apparatus shall be weighed and certified by the manufacturer  
6 to determine compliance with the table above prior to acceptance  
7 by the purchaser. Apparatus and chassis manufacturers shall furnish  
8 certification of the gross vehicle weight rating (GVWR), gross  
9 combined weight rating (GCWR), and gross axle weight rating  
10 (GAWR) on a nameplate affixed to the apparatus.

11 (2) ~~Any~~A fire apparatus exceeding 31,000 pounds gross vehicle  
12 weight rating (GVWR) shall be equipped with a retarder.

13 (3) For purposes of this section, a “fire apparatus” is ~~any a~~  
14 ~~vehicle or combination of vehicles designed, maintained, and used~~  
15 ~~exclusively for the suppression of fires or for fire prevention~~  
16 ~~activities, including the training of firefighters. A tank vehicle~~  
17 ~~owned by a regularly organized fire suppression agency and used~~  
18 ~~to transport water or other fire suppression materials is a fire~~  
19 ~~apparatus. A vehicle or combination of vehicles which is not~~  
20 ~~designed primarily for fire suppression, including, but not limited~~  
21 ~~to, a hazardous materials response vehicle, dedicated rescue~~  
22 ~~vehicle, command post communications vehicle, passenger vehicle,~~  
23 ~~bus, mobile kitchen, mobile sanitation facility, and heavy~~  
24 ~~equipment transport vehicle, are not a fire apparatus for purposes~~  
25 ~~of this section~~ *designed to be used under emergency conditions to*  
26 *transport personnel and equipment, or to support the suppression*  
27 *of fires or mitigation of other hazardous situations, consistent with*  
28 *Standard 1901 of the National Fire Protection Association.*

29 (c) A vehicle owned, operated, or rented by ~~any a~~ public agency  
30 ~~which~~ *that* is being used in responding to or returning from an  
31 emergency, may be operated as required, if a reasonable effort is  
32 first made by the agency to obtain verbal permission from an  
33 authorized officer or employee of the agency having jurisdiction  
34 of the highways used, and, upon termination of the emergency,  
35 when the vehicle is returning from the site of the emergency, the  
36 public agency either obtains a permit at the location of the  
37 emergency or makes a reasonable effort to obtain verbal permission  
38 from an authorized officer or employee of the agency having  
39 jurisdiction of the highways used, and obtains a written permit for  
40 that use pursuant to Section 35780 not later than three days after

1 the date of the emergency. As used in this subdivision,  
2 “emergency” means a condition ~~which~~ *that* poses an imminent  
3 threat of loss of property or a hazard to life, as determined by the  
4 public agency charged with responsibility to respond thereto.

5 (d) ~~Any~~—A governmental agency operating an authorized  
6 emergency vehicle or other vehicle subject to this section is liable  
7 to the governmental agency having jurisdiction of ~~any a~~ state or  
8 county highway for ~~any the~~ damage to the highway or ~~any a~~  
9 highway structure caused by the operation of the vehicle of a size  
10 or weight of vehicle or load exceeding that specified in this  
11 division. The cost of repair of the damage is a proper charge against  
12 the support fund of the governmental agency operating the oversize  
13 or overweight vehicle.

14 (e) Neither the state nor ~~any an~~ agency thereof is liable for  
15 damage to ~~any a~~ highway or highway structure caused by vehicles  
16 operated, pursuant to this section, by or on behalf of a local  
17 authority or any other local governmental entity.

18 SEC. 2. This act is an urgency statute necessary for the  
19 immediate preservation of the public peace, health, or safety within  
20 the meaning of Article IV of the Constitution and shall go into  
21 immediate effect. The facts constituting the necessity are:

22 In order to revise Vehicle Code provisions regulating the  
23 operation of authorized emergency vehicles as soon as possible,  
24 these changes need to go into effect immediately.