

Date of Hearing: April 21, 2025

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Lori D. Wilson, Chair

AB 438 (Hadwick) – As Amended April 7, 2025

**SUBJECT:** Authorized emergency vehicles

**SUMMARY:** Authorizes the commissioner of the California Highway Patrol (CHP) to issue an emergency vehicle permit to any vehicle owned by a county, city or city and county office of emergency services only while that vehicle is being used by a public employee in responding to any disaster.

**EXISTING LAW:**

- 1) Defines an authorized emergency vehicle (AEV) as:
  - a) Any publicly owned and operated ambulance, lifeguard, or lifesaving equipment or any privately owned or operated ambulance licensed by the Commissioner of the CHP to operate in response to emergency calls;
  - b) Any publicly owned vehicle operated by federal, state, or local agency, department, or district employing peace officers; forestry or fire department of any public agency or fire department;
  - c) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment;
  - d) Any state-owned vehicle used in responding to emergency fire, rescue, or communications calls and operated either by the Office of Emergency Services or by any public agency or industrial fire department to which the Office of Emergency Services has assigned the vehicle;
  - e) Any vehicle owned or operated by any department or agency of the United States government when the vehicle is used in responding to emergency fire, ambulance, or lifesaving calls or is actively engaged in law enforcement work; and,
  - f) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the CHP. (Vehicle Code Section (VEH) 165)
- 2) Authorizes the Commissioner of the CHP to issue authorized emergency vehicle permits to the following operators in each case that the vehicle is used in responding to emergency calls for fire or law enforcement, the immediate preservation of life or property, or the apprehension of law violators: police, public utilities, fire, air pollution control district, privately owned ambulances, and city or county hazardous materials hazardous response team.

**FISCAL EFFECT:** Unknown

**COMMENTS:** The California Governor's Office of Emergency Services (Cal OES) vehicles are considered AEVs under state law. This bill would authorize local OES vehicles with a permit from CHP to also be designated AEVs for disaster response.

California is susceptible to a variety of natural disasters, the most prevalent and destructive of which are earthquakes, floods, and wildfires. In recent years, California has experienced an increase in the frequency and severity of natural disasters, and experts project that these events will continue to occur more frequently with climate change.

Cal OES is responsible for addressing natural, technological, or manmade disasters and emergencies, and preparing the State to prevent, respond to, quickly recover from, and mitigate the effects of both intentional and natural disasters. As part of its overall preparedness mission, Cal OES is required to develop a State Emergency Plan (SEP), a State Hazard Mitigation Plan (SHMP), and maintain a Standardized Emergency Management System (SEMS) and the Emergency Management Mutual Aid System (EMMA). Cal OES, in coordination with FEMA and local partners, has developed four Catastrophic Plans to augment the State Emergency Plan. California's emergency response system, which is known as the SEMS, mirrors the federal government's National Incident Management System (NIMS). The Federal Emergency Management Agency (FEMA) manages the federal system, which is the nation's comprehensive approach to emergency management and applies to all levels of government, including cities, counties, and states. Under the State's emergency management system, local governments—which include cities, counties, and special districts—are primarily responsible for emergency response.

Counties are not required to have an OES, however, state law authorizes counties, cities and counties, and cities to create disaster councils by ordinance that are responsible for developing plans for meeting any condition constituting a local emergency or state of emergency.

*According to the author*, “local offices of emergency services serve as the first line of defense for communities during disasters. They respond immediately by setting up emergency operation centers, coordinating mutual aid, and directing evacuation operations. However, many rural areas face unique challenges due to limited resources, longer response times, and a lack of infrastructure. Assembly Bill 438 recognizes the critical role of local OES in emergency response by allowing responders to drive code 3, just as state OES does. By allowing local OES to drive code 3, emergency responders will be able to arrive faster, coordinate more effectively, and save more lives. This bill will improve emergency response and increase public safety.”

*AEVs*: State law provides for special treatment of AEVs. If an AEV has a red siren on, surrounding traffic is required to yield the right-of-way and immediately drive to the right-hand edge or curb of any road and clear any intersection until the vehicle has passed. AEVs are allowed to be equipped with at least one steady-burning red warning lamp if engaged in police, fire and lifesaving services. Drivers must change lanes or slow down when passing a stationary AEV with its sirens on. AEVs are generally exempt from most California Air Resources Board (CARB) emission regulations, such as the Clean Truck Program. AEVs are exempt from paying a toll or other charge if it is responding to an urgent or emergency call.

*Sacramento County, writing in support of this bill*, argues “County OES are communities’ first line of defense during any disaster. Currently, peace officers, firefighters, tribal governments, and the California Governor’s OES have authorized emergency vehicles (AEV). Though state OES has AEVs, AEVs for local OES are prohibited. In fire-threatened communities in rural California, often the only entity evacuating people during a fire are county OES. This ability is crucial for rural California where emergency response resources are stretched thin and unable to respond quickly.

By authorizing cities and counties to designate OES vehicles as authorized emergency vehicles, local OES can reduce response time to disasters such as fires, floods, tsunamis, and hazardous waste spills, particularly in underserved rural areas. Under AB 438 cities and counties must own the AEV, the AEV must have the appropriate equipment and markings, only public employees can drive the AEV, and responders must be trained to follow emergency vehicle laws.

Sacramento County OES staff currently take the Emergency Vehicle Operator Course (EVOC) course, the same training offered to law enforcement, to safely operate our vehicles. Our vehicles are equipped with hi/lo sirens as an additional warning for evacuations. This helps to ensure that our operations are compliant under law while maintaining operational capability and ensuring the safety of members of and visitors to our community. AB 438 will provide immediate assistance to communities during a disaster, expedite evacuation orders, and improve public safety.”

*Previous legislation:* AB 902 (Rodriguez), Chapter 124, Statutes of 2023 clarifies that both public and private local emergency service providers can request the owner or operator of a toll facility to enter into an agreement to establish mutually agreed upon terms for use of the toll facility, including, but not limited to, being exempt from toll payment.

AB 2270 (Seyarto), Chapter 497, Statutes of 2022 requires the owner or operator of a toll facility, upon the request of a local emergency service provider, to enter into an agreement to establish mutually agreed upon terms for use of the toll facility.

AB 798 (Ramos), Chapter 282, Statutes of 2021 authorizes federally recognized tribes to operate, inspect, maintain, and drive emergency vehicles used in responding to emergency calls for fire or law enforcement.

AB 3472 (Committee on Local Government) Chapter 872, Statutes of 1997 authorized CHP to issue authorized emergency vehicle permits to the following operators: police, public utilities, fire, air pollution control district, privately owned ambulances, city or county hazardous materials hazardous response team, among many other provisions.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

County of Sacramento  
Long Beach Area Chamber of Commerce  
Rural County Representatives of California  
Sutter County Fire Department  
Sutter County Office of Emergency Services

### **Opposition**

None on file

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