

5.31A DUTY OF CARE AT INTERSECTION APPROACHED BY EMERGENCY VEHICLE (To Be Used If Emergency Vehicle Is Involved) (Approved 1977)

While proceeding through an intersection, the driver favored with the right to proceed may not ignore the possibility of encountering a vehicle on an emergency mission going through a red light or proceeding against a traffic control device.

N.J.S.A. 39:4-91 sets forth the standard of conduct required of a driver who encounters an emergency vehicle on an emergency call. This portion of our motor vehicle laws provides:

The driver of a vehicle upon a highway shall yield the right of way to any authorized emergency vehicle when it is operated on official business, or in the exercise of the driver's profession or calling, in response to an emergency call or in the pursuit of an actual or suspected violator of the law and when an audible signal by bell, siren, exhaust whistle or other means is sounded from the authorized emergency vehicle and when the authorized emergency vehicle, except a police vehicle, is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of at least five hundred feet to the front of the vehicle.

If the driver of a motor vehicle operates his/her vehicle unmindful to such potential hazard of encountering an emergency vehicle and without yielding the right of way to the emergency vehicle, such conduct is for your consideration in determining whether that driver's conduct was negligent under the circumstances.