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Opinion No. 03-163

Issuance of Emergency License Plates to Trauma Physicians

QUESTION

Does Title 55, chapter 4 of the Tennessee Code Annotated authorize the issuance of emergency license plates to trauma physicians?

OPINION

No. Tenn. Code Ann. §§ 55-4-202(c)(1) and 55-4-222 do not authorize the issuance of emergency license plates to trauma physicians except to the extent that such trauma physicians may also be authorized to receive such license plates by virtue of membership in a group to whose members such license plates may be issued.

ANALYSIS

The Tennessee General Assembly has authorized the issuance of cultural, specialty earmarked, memorial, and special purpose motor vehicle registration plates. Tenn. Code Ann. § 55-4-201(a)(1). All such plates must fall within one of the seventeen listed categories. Tenn. Code Ann. § 55-4-202(a). Each of the seventeen listed categories contains specific groups of plates. The groups which fall under the emergency category are more specifically defined in Tenn. Code Ann. § 55-4-222.[1]

Trauma and/or emergency physicians are not specifically listed in either of the code sections providing for emergency plates. Tenn. Code Ann. §§ 55-4-202(c)(1), 55-4-222. The only listed group with the emergency category that mentions medical personnel is in subsection (c)(1)(F) of 55-4-202, which refers to "[e]mergency services squad, including, but not limited to, emergency medical technicians and paramedics."[2] The scope of this language is defined by section 55-4-222, which further specifies those persons to whom emergency registration plates may be issued. The only medical personnel listed as eligible are members of the Tennessee Association of Rescue

[1] The Tennessee Code does not list the purpose of the special purpose emergency plates. However, the plates do not turn a vehicle into an emergency vehicle, which is defined in Tenn. Code Ann. § 55-8-101(2)(A) - (C).

[2] The other listed groups in the "emergency" category are amateur radio, auxiliary police, civil air patrol, civil defense, and rescue squads.

Squads[3] or members of emergency rescue squads[4] in counties of 600,000 or more, or Emergency Medical Technicians or Paramedics[5].

When interpreting a statute, it is necessary to ascertain the intention and the purpose of the legislature. *Lipscomb v. Doe*, 32 S.W.2d 840, 844 (Tenn. 2000). *See also Gleaves v. Checker Cab Transit Corp.*,15 S.W.3d 799, 802 (Tenn. 2000). "Legislative intent is to be ascertained whenever possible from the natural and ordinary meaning of the language used, without forced or subtle construction that would limit or extent the meaning of the language." *Hawks v. City of Westmoreland*, 960 S.W.2d 10, 16 (Tenn. 1997). When the language of the statute is clear and unambiguous, then the court usually applies the plain language of the statute to resolve the issue. *See, e.g., State v. Nelson*, 23 S.W.3d 270, 271 (Tenn. 2000). None of the terms used here include "physician." Everyday usage shows that an "emergency medical technician" is not the same as a "physician." Nor is a "paramedic."[6] Thus the plain meaning of the words used cannot be construed to authorize issuance of emergency registration plates to persons who are trauma physicians.

It is a well-established canon of statutory construction that "the mention of one subject in a statute means the exclusion of other subjects that are not mentioned." *Carver v. Citizen Util. Co.*, 954 S.W.2d 34, 35 (Tenn. 1997) (citations omitted), *Penley v. Honda Motor Co., Ltd.*, 31 S.W.3d 181 (Tenn. 2000). As the General Assembly did mention other medical personnel, such as emergency medical technicians and paramedics in the statutes, the omission of trauma, or other, physicians indicates that the General Assembly did not intend to include any type of physician

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[3] The Tennessee Association of Rescue Squads, according to their website, is:

> an Association of Life Saving, Rescue, and First Aid Units with members organized, trained, and equipped for various types of rescue and first aid work. These members voluntarily give of their time and effort without compensation to the development of accident prevention and first aid procedures, the widespread education of the public in such procedures, and to the necessary rescue and first aid work for the relief of their fellow men.

Tennessee Association of Rescue Squads, Inc., http://tnars.org/default.asp (last visited November 3, 2003). The Tennessee Code Annotated does not contain a definition of either "rescue squad" or "emergency services squad".

[4] An emergency rescue squad is a group which provides ambulance and rescue services to the general public, sometimes without charging for services. *See, e.g., Morristown Emergency and Rescue Squad, Inc. v. Volunteer Dev. Co.*, 793 S.W.2d 262 (Tenn. Ct. App. 1990).

[5] Tenn. Code Ann. § 55-4-222(d). County population is based on the 1970 federal census or any subsequent federal census. *Id.*

[6] A paramedic is defined as "[o]ne trained to supply emergency medical treatment or assist medical professionals." Webster's II New Collegiate Dictionary 797 (Houghton Mifflin1995).

among the classes of persons who are eligible to receive emergency plates.[7] However, if a trauma physician is also a member of another eligible class (such as a rescue squad), then the physician would be able to obtain an emergency category license plate upon complying with the requirements of Tennessee law. A trauma physician cannot, however, obtain the license simply because of his or her status as a trauma physician.

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[7] "Omissions are significant when statutes are express in certain categories but not others." *Carver v. Citizen Util. Co.*, 954 S.W.2d 34, 35 (Tenn.1997). A review of the Public Acts of the General Assembly related to Tenn. Code Ann. § 55-4-222 shows that physicians, trauma or otherwise, were not included as a related group when the previous version of part 2 was replaced in 1998. Physicians were again excluded in 2002 when the General Assembly added full time police officers, emergency medical technicians, and paramedics to the persons eligible to receive special purpose emergency plates.