

SECOND REGULAR SESSION

HOUSE BILL NO. 2209

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (150).

Read 1st time February 19, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4657L.01I

AN ACT

To repeal section 190.105, RSMo, and to enact in lieu thereof one new section relating to ambulance licenses.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 190.105, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 190.105, to read as follows:

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for an ambulance service issued pursuant to the provisions of sections 190.001 to 190.245.

2. No ground ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless the ground ambulance is under the immediate supervision and direction of a person who is holding a currently valid Missouri license as an emergency medical technician. Nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed physician be required to hold an emergency medical technician's license. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record. Each ground ambulance shall be staffed with at least two licensed individuals when transporting a patient, except as provided in section 190.094.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 3. No license shall be required for an ambulance service, or for the attendant of an
17 ambulance, which:

18 (1) Is rendering assistance in the case of an emergency, major catastrophe or any other
19 unforeseen event or series of events which jeopardizes the ability of the local ambulance service
20 to promptly respond to emergencies; or

21 (2) Is operated from a location or headquarters outside of Missouri in order to transport
22 patients who are picked up beyond the limits of Missouri to locations within or outside of
23 Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for
24 transportation to locations within Missouri, except as provided in subdivision (1) of this
25 subsection.

26 4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245
27 shall not be construed so as to authorize any person to provide ambulance services or to operate
28 any ambulances without a franchise in any city not within a county or in a political subdivision
29 in any county with a population of over nine hundred thousand inhabitants, or a franchise,
30 contract or mutual-aid agreement in any other political subdivision which has enacted an
31 ordinance making it unlawful to do so.

32 5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or
33 regulation not in conflict with such sections by any city not within a county, or at least as strict
34 as such sections by any county, municipality or political subdivision except that no such
35 regulations or ordinances shall be adopted by a political subdivision in a county with a
36 population of over nine hundred thousand inhabitants except by the county's governing body.

37 6. In a county with a population of over nine hundred thousand inhabitants, the
38 governing body of the county shall set the standards for all ambulance services which shall
39 comply with subsection 5 of this section. All such ambulance services must be licensed by the
40 department. The governing body of such county shall not prohibit a licensed ambulance service
41 from operating in the county, as long as the ambulance service meets county standards.

42 7. [An] **A licensed** ambulance service or vehicle when operated for the purpose of
43 transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a
44 common or contract carrier under the jurisdiction of the [Missouri division of motor carrier and
45 railroad safety] **highways and transportation commission**.

46 8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor
47 vehicle used by an employer for the transportation of such employer's employees whose illness
48 or injury occurs on private property, and not on a public highway or property, nor to any person
49 operating such a motor vehicle.

50 9. A political subdivision that is authorized to operate a licensed ambulance service may
51 establish, operate, maintain and manage its ambulance service, and select and contract with a

52 licensed ambulance service. Any political subdivision may contract with a licensed ambulance
53 service.

54 10. Except as provided in subsections 5 and 6, nothing in section 67.300, RSMo, or
55 subsection 2 of section 190.109, shall be construed to authorize any municipality or county
56 which is located within an ambulance district or a fire protection district that is authorized to
57 provide ambulance service to promulgate laws, ordinances or regulations related to the provision
58 of ambulance services. This provision shall not apply to any municipality or county which
59 operates an ambulance service established prior to August 28, 1998.

60 11. Nothing in section 67.300, RSMo, or subsection 2 of section 190.109 shall be
61 construed to authorize any municipality or county which is located within an ambulance district
62 or a fire protection district that is authorized to provide ambulance service to operate an
63 ambulance service without a franchise in an ambulance district or a fire protection district that
64 is authorized to provide ambulance service which has enacted an ordinance making it unlawful
65 to do so. This provision shall not apply to any municipality or county which operates an
66 ambulance service established prior to August 28, 1998.

67 12. No provider of ambulance service within the state of Missouri which is licensed by
68 the department to provide such service shall discriminate regarding treatment or transportation
69 of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national
70 origin, ancestry, handicap, medical condition or ability to pay.

71 13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section,
72 is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter
73 or to fire protection districts pursuant to chapter 321, RSMo, or to counties, cities, towns and
74 villages pursuant to chapter 67, RSMo.

75 14. Upon the sale or transfer of any ground ambulance service ownership, the owner of
76 such service shall notify the department of the change in ownership within thirty days of such
77 sale or transfer. After receipt of such notice, the department shall conduct an inspection of the
78 ambulance service to verify compliance with the licensure standards of sections 190.001 to
79 190.245.

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