

INTRODUCTION

A MODEL ORDINANCE OR STATUTE REGULATING AMBULANCE SERVICE

Development of this model ordinance or statute began in 1956 when representatives of the medical profession concluded that the medical profession had taken too little interest in preventing trauma, while those responsible for traffic safety were too little concerned with the human salvage operations of the doctors. This resulted in a Joint Action Program sponsored by three organizations, the American College of Surgeons, the American Association for the Surgery of Trauma and the National Safety Council.

Late in 1959 the policy committee of this group asked the Traffic Conference to develop a model ordinance or statute relating to the transportation of the injured. A special Conference committee was activated representing the several interests involved, including a legal consultant to undertake the task.

The attached is a copy of the ordinance or statute developed after a number of meetings of the committee, and extensive correspondence with many interested groups. Numerous city ordinances and the National Institute of Municipal Law Officers' model were used as a guide. At the October 28, 1962, meeting of the special committee of the Conference, representatives of ambulance associations throughout the country in attendance offered several excellent suggestions which were incorporated. The model was approved, although not unanimously, by the Traffic Conference Executive Committee, April 3, 1963.

At this meeting it was concluded that such a regulation would be more effective if it became a state law. Therefore, the draft is designed so that with appropriate changes, it may be used also as a Model Statute. Where feasible, it was concluded, a state statute is preferable to a local ordinance.

On page 2, Section 2 Licensing Requirements, it is presumed that where the model is used as an ordinance the city or county has legal authority under state law to adopt special license requirements for ambulances. The legal assumption, which should be verified in each case, is that the city or county has authority under its police power to prescribe regulations necessary to supplement state laws where the public safety and welfare so require. Therefore, it should be expressly understood that, in any state, the model, when adopted as an ordinance, must be modified to eliminate any conflict with existing state laws.

The intent of the model is to serve as a guide to improve a necessary public service and provide uniformity throughout the United States.

D R A F T
of
A MODEL ORDINANCE* REGULATING AMBULANCE SERVICE

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*This draft is designed so that, with appropriate changes, it may be used also as a Model Statute. Where feasible, a State statute is preferable to a local ordinance.

D R A F T

of

A MODEL ORDINANCE REGULATING AMBULANCE SERVICE

An Ordinance to Regulate the Licensing, Inspection and Operation of Ambulances, to Provide Standards for the Licensing of Ambulances and of Ambulance Drivers, Attendants, and Attendant-Drivers, to Provide for Renewal and Revocation of Licenses, to Require Written Records and Reports, to Provide for Traffic Regulation of Ambulances, and to Establish Penalties for Violation of its Provisions.

The (_____) of (_____)
enacting body city or county

ordains as follows:

SECTION 1 Definitions. Unless otherwise specified, the term "Ambulance" means

- (a) any privately- or publicly-owned motor vehicle that is specially designed or constructed, and equipped, and is intended to be used for and is maintained or operated for the transportation of patients, including dual purpose police patrol cars and funeral coaches or hearses which otherwise comply with the provisions of this Ordinance.
- (b) "Attendant" means a trained and/or qualified individual responsible for the operation of an ambulance and the care of the patients whether or not the attendant also serves as driver.
- (c) "Attendant-Driver" means an individual who is qualified as an attendant and a driver.
- (d) "Driver" means an individual who drives an ambulance.
- (e) "Dual purpose police patrol car" means a vehicle, operated by a police department, which is equipped as an ambulance, even though it is also used for patrol or other police purposes.

(f) "Health Officer" means the (_____) Health city or county officer or other designated official.

(g) "License Officer" means the (_____) city or county (_____).
designated officer

(h) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless.

(i) "Person" means any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose or organization of any kind, including any governmental agency other than the United States.

SECTION 2 License Required*

(a) 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 upon the streets, alleys, or any public way or place of (_____) unless he holds a currently valid city or county license for an ambulance, issued pursuant to this Ordinance. An ambulance operated by an agency of the United States shall not be required to be licensed hereunder.

(b) No ambulance shall be operated, and no individual shall drive, attend or permit it to be operated on the streets, alleys, or any public way or place of (_____) unless it shall be under city or county

*These licensing requirements are based on the presumption that the city or county has legal authority under State law to adopt such special license requirements for ambulances. The legal assumption, which should be verified in each case, is that the city or county has authority under its police power to prescribe regulations necessary to supplement State laws where the public safety and welfare so require.

the immediate supervision and direction of a person who is holding a currently valid license as an attendant-driver or attendant.

(c) Provided however, that no such licenses shall be required for an ambulance, or for the driver, attendant or attendant-driver of an ambulance, which

(i) is rendering assistance to licensed ambulances in the case of a major catastrophe or emergency with which the licensed ambulances of
(_____) are insufficient or unable to cope; or
city or county

(ii) is operated from a location or headquarters outside of (_____)
city or county
in order to transport patients who are picked up beyond the limits of
(_____) to locations within (_____),
city or county
or to transport patients who are picked up within (_____)
city or county
to locations beyond the limits of (_____) but no
city or county
such outside ambulance shall be used to pick up patients within
(_____) for transportation to locations within
city or county
(_____) unless the driver, attendant and attendant-
city or county
driver and the person subject to the provisions of Section 2(a) of this
Ordinance in respect of such ambulance, hold currently valid licenses
issued pursuant to this Ordinance.

SECTION 3 Application for Ambulance License. Applications for ambulance licenses hereunder shall be made upon such forms as may be prepared or prescribed by the License Officer and shall contain:

(a) The name and address of the applicant and the owner of the ambulance.

- (b) The trade or other fictitious name, if any, under which the applicant does business and proposes to do business.
- (c) The training and experience of the applicant in the transportation and care of patients.
- (d) A description of each ambulance, including the make, model, year of manufacture, motor and chassis number; current state license number; the length of time the ambulance has been in use; and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance.
- (e) The location and descriptions of the place or places from which it is intended to operate.
- (f) Such other information as the License Officer shall deem reasonably necessary to a fair determination of compliance with this Ordinance.
- (g) An accompanying license fee of \$_____.

SECTION 4 Standards for Ambulance License

- (a) Each ambulance shall, at all times when in use as such,
 - (i) conform with the standards, requirements and regulations provided for in this ordinance for the transportation of patients, from the standpoint of health, sanitation, and safety, and the nature of the premises in which it is maintained;
 - (ii) contain equipment conforming with the standards, requirements and regulations provided for herein, which equipment shall be in proper and good condition for such use;
 - (iii) currently comply with all applicable laws and local ordinances relating to health, sanitation and safety; and
 - (iv) be equipped with such lights, sirens and special markings to designate it as an ambulance as may be prescribed in reasonable regulations promulgated by the License Officer; and

- (b) Any change of ownership of a licensed ambulance shall terminate the license and shall require a new application and a new license and conformance with all the requirements of this Ordinance as upon original licensing.
- (c) Application for transfer of any ambulance license to another or substitute vehicle shall require conformance with all the requirements of this Ordinance as upon original licensing. No ambulance license may be sold, assigned, mortgaged or otherwise transferred without the approval of the License Officer and a finding of conformance with all the requirements of this Ordinance as upon original licensing.
- (d) Each licensed ambulance, its equipment and the premises designated in the application and all records relating to its maintenance and operation as such, shall be open to inspection by the License Officer or his designated representatives during usual hours of operation.
- (e) No official entry made upon a license may be defaced, removed or obliterated.

SECTION 5 Standards for Ambulance License--Liability Insurance

- (a) No ambulance license shall be issued under this Ordinance, nor shall such license be valid after issuance, nor shall any ambulance be operated in (_____), unless there is at city or county all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the State of (_____), for each and every ambulance owned and/or operated by or for the applicant or licensee, providing
 - (i) for injury to or death of individuals in accidents resulting from any cause for which the owner of said

ambulance would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agent, and

- (ii) against damage to the property of another, including personal property, under like circumstances, in such sums and under such terms as may be required in regulations promulgated by the License Officer.
- (b) Said insurance policies shall be submitted to the License Officer for approval prior to the issuance of each ambulance license. Satisfactory evidence that such insurance is at all times in force and effect shall be furnished to the License Officer, in such form as he may specify, by all licensees required to provide such insurance under the provisions of this Ordinance.
- (c) Every insurance policy required hereunder shall contain a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon, that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured, and that until the policy is revoked the insurance company will not be relieved from liability on account of non-payment of premium, failure to renew license at the end of the year, or any act or omission of the named assured.
- (d) Every insurance policy required hereunder shall extend for the period to be covered by the license applied for and the insurer shall be obliged to give not less than _____ days written notice to the License Officer and to the assured before any cancellation or termination of the policy earlier than its expiration date and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the ambulances covered by such

policy, unless another insurance policy complying with the provisions of this section shall be provided and be in effect at the time of such cancellation or termination.

SECTION 6 Duties of License Officer

- (a) The License Officer shall, within _____ days after receipt of an application for an ambulance license as provided for herein, cause such investigation as he deems necessary to be made of the applicant and of his proposed operations.
- (b) The License Officer shall issue a license hereunder for a specified ambulance, to be valid for a period of _____ years unless earlier suspended, revoked or terminated, when he finds that:
 - (i) the public convenience and necessity require the proposed ambulance service;
 - (ii) each such ambulance, its required equipment and the premises designated in the application, comply with the standards prescribed in Section 4(a), 7 and 8 of this Ordinance and with the regulations promulgated under such sections;
 - (iii) the applicant is a responsible and proper person to conduct or work in the proposed business;
 - (iv) only duly licensed drivers, attendants and attendant-drivers are employed in such capacities; and
 - (v) all the requirements of this Ordinance and all other applicable laws and ordinances have been met.
- (c) Prior to the issuance of any ambulance license hereunder, the License Officer shall cause to be inspected the vehicles, equipment and premises designated in each application hereunder, to determine compliance with the standards prescribed in Section 4(a) and in Sections 7 and 8

of this Ordinance, and with the regulations promulgated under such sections.

(d) Subsequent to issuance of any ambulance license hereunder, the License Officer shall cause to be inspected each such licensed vehicle, and its equipment and premises, whenever he deems such inspection to be necessary but in any event no less frequently than twice each year. The periodic inspection required hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulances or other motor vehicles, or other inspections required to be made, under general law or ordinances, and shall not excuse compliance with any requirement of law or ordinance to display any official certificate of motor vehicle inspection and approval nor excuse compliance with the requirements of any other applicable general law or ordinance.

(e) A copy of each initial, semi-annual or other ambulance, equipment and premises inspection report by the License Officer under the provisions of this section shall be promptly transmitted to the applicant or licensee to whom it refers.

SECTION 7 Standards for Ambulance Equipment--Duties of License Officer and Licensees

(a) The License Officer shall promulgate as standards for ambulance equipment under this Ordinance, and shall apply, the standards certified by the Health Officer pursuant to the provisions of Section 8 of this Ordinance.

(b) Each licensee of an ambulance shall comply with such regulations as may be promulgated by the License Officer under the provisions of Section 7(a) and shall maintain in each such ambulance, at all times when it

is in use as such, all such equipment as may be prescribed by the License Officer hereunder.

SECTION 8 Standards for Ambulance Equipment--Duties of Health Officer

- (a) Required equipment in each ambulance shall include, at all times when the ambulance is in use as such, equipment adequate in the judgment of the Health Officer for dressing wounds, splinting fractures, controlling hemorrhage, and providing oxygen.
- (b) The Health Officer is authorized and directed, after public notice and opportunity for public hearing, to certify to the Licence Officer standards for ambulance equipment to implement the standards provided herein as to required equipment in ambulances. In determining the adequacy of equipment, the Health Officer shall take into consideration the current list of minimal equipment for ambulances, adopted by the American College of Surgeons or its duly authorized Committee on Trauma.

SECTION 9 Applications for Drivers, Attendants and Attendant-Drivers License

Applications for drivers, attendants and attendant-drivers licenses hereunder shall be made upon such forms as may be prepared or purchased by the License Officer and shall contain:

(a) The applicant's full name, current residence, places of residence for _____ years previous to moving to his present address, and length of time he has resided in (_____
city of county).

(b) The applicant's age, marital status, height, color of eyes and hair.

(c) Whether he has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause.

- (d) The applicant's training and experience in the transportation and care of patients, and whether he has previously been licensed as a driver, chauffeur, attendant or attendant-driver, and if so, when and where, and whether his license has ever been revoked or suspended in any jurisdiction and for what cause.
- (e) Affidavits of good character from two reputable citizens of the United States and residents of (_____) who have city or county personally known such applicant and observed his conduct during _____ years next preceding the date of his application.
- (f) Two recent photographs of the applicant, of a size designated by the License Officer, one of which shall be attached by the License Officer to the license.
- (g) Such other information as the License Officer shall deem reasonably necessary to a fair determination of compliance with this Ordinance.
- (h) An accompanying license fee of \$ _____.

SECTION 10 Standards for Drivers, Attendants and Attendant-Drivers License

- (a) The License Officer shall, within a reasonable time after receipt of an application as provided for herein, cause such investigation as he deems necessary to be made of the applicant for a drivers, attendants or attendant-drivers license.
- (b) The License Officer shall issue a license to a driver, attendant or attendant-driver hereunder, valid for a period of _____ years, unless earlier suspended, revoked or terminated, when he finds that
 - (i) the applicant is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;
 - (ii) the applicant is able to speak, read and write the English language;

- (iii) the applicant has been found by a duly licensed physician, upon examination attested to on a form provided by the Health Officer, to be of sound physique, possessing eyesight corrected to at least 20/40 in the better eye, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance; and
- (iv) for each applicant for attendant or attendant-drivers license, that such applicant has a currently valid certificate evidencing successful completion of a course of training equivalent to the advanced course in first aid given by the American Red Cross or the United States Bureau of Mines.

PROVIDED HOWEVER, that no one shall be licensed as a driver or attendant-driver unless he holds a currently valid permit from the State of _____ to drive an ambulance.

- (c) A license as driver, attendant or attendant-driver issued hereunder shall not be assignable or transferable.
- (d) No official entry made upon a license may be defaced, removed, or obliterated.

SECTION 11 Renewal of License. Renewal of any license hereunder, upon expiration for any reason or after revocation, shall require conformance with all the requirements of this Ordinance as upon original licensing.

SECTION 12 Revocation of License

- (a) The License Officer may, and is hereby authorized to, suspend or revoke a license issued hereunder for failure of a licensee to comply and to maintain compliance with, or for his violation of, any applicable provisions, standards or requirements of this Ordinance, or of regulations

promulgated hereunder, or of any other applicable laws or ordinances or regulations promulgated thereunder, but only after warning and such reasonable time for compliance as may be set by the License Officer.

Within _____ days after a suspension, the licensee shall be afforded a hearing, after reasonable notice. The License Officer shall, within _____ days after conclusion of such hearing, issue a written decision (which shall include written findings) as to the suspension of said license. Such written decision shall be promptly transmitted to the licensee to whom it refers.

- (b) The initial, semi-annual or other ambulance, equipment and premise inspection reports of the License Officer herein provided for shall be prima facie evidence of compliance or non-compliance with, or violation of, the provisions, standards and requirements provided herein, and of the regulations promulgated hereunder, for the licensing of ambulances.
- (c) Upon suspension, revocation or termination of an ambulance license hereunder, operations as such shall cease with such ambulance and no person shall permit continued operation with such ambulance as such. Upon suspension, revocation or termination of a drivers, attendants or attendant-drivers license hereunder, such driver, attendant or attendant-driver shall cease to drive or attend an ambulance and no person shall employ or permit such individual to drive or attend an ambulance.

SECTION 13 Reports

- (a) Each licensee of an ambulance hereunder shall maintain accurate records, upon such forms as may be provided or prescribed by, and containing such information as may be required by, the (_____) designated official of (_____), concerning the transportation of city or county

each patient within (_____), or from one place
city or county

herein to another place within or beyond its limits. Such records shall
be available for inspection by the (_____)
designated official

at any reasonable time and copies thereof shall be filed by the licensee
within _____ hours upon request by the (_____).
designated official

(b) The provisions of subsection (a) of this section shall apply with equal
force in case the patient shall die before being so transported in such
ambulance or dies while being transported therein or at any time prior
to the acceptance of the patient into the responsibility of the hospital
or medical or other authority if the patient is still under the care or
responsibility of the ambulance licensee.

SECTION 14 Obedience to Traffic Laws, Ordinances and Regulations

(a) The driver of an ambulance, when responding to an emergency call or while
transporting a patient, may exercise the privileges set forth in this
section, but subject to the conditions herein stated, and only when such
driver has reasonable grounds to believe that an emergency in fact exists
requiring the exercise of such privileges.

(b) Subject to the provisions of subsection (a) hereof, the driver of an
ambulance may

- (i) Park or stand, irrespective of the otherwise applicable
provisions of law, ordinance or regulation;
- (ii) Proceed past a red or stop signal or stop sign, but only
after slowing down as may be necessary for safe operation;
- (iii) Exceed the maximum speed limits permitted by law, ordinance
or regulation so long as he does not endanger life or
property; and

(iv) Disregard laws, ordinances or regulations governing direction or movement or turning in specified directions.

(c) The exemptions herein granted shall apply only when such ambulance is making use of audible and visual signals meeting the requirements of law, ordinance or regulation.

(d) The foregoing provisions shall not relieve the driver of an ambulance from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

SECTION 15 Penalties

(a) Any person violating, or failing to comply with, the provisions of Section 2 (a) of this Ordinance and the applicable provisions hereof relating to the licensing of ambulances, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding \$_____ or imprisoned for a period not exceeding _____ days, or be both so fined and imprisoned, for each offense.

(b) Any person violating, or failing to comply with, any other provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding \$_____ or be imprisoned for a period not exceeding _____ days, or be both so fined and imprisoned, for each offense.

(c) Each day that any violation of, or failure to comply with, this Ordinance is committed or permitted to continue shall constitute a separate and distinct offense under this section and shall be punishable as such hereunder; provided, however, that the Court may, in appropriate cases, stay the cumulation of penalties.

SECTION 16 Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 17 Effective Date. This Ordinance shall become effective on
(_____).
date

SECTION 18 Ordinances Repealed. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as follows:

Adopted this _____ day of _____, 19____.

