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HOUSE BILL NO. 2301

Offered January 17, 2013

A BILL to amend and reenact §§ 27-14 and 32.1-111.14 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 22 of Title 38.2 a section numbered 38.2-2235, relating to charging insurers on behalf of volunteer fire/EMS departments.

 Patron—Cline

 Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That §§ 27-14 and 32.1-111.14 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 22 of Title 38.2 a section numbered 38.2-2235 as follows:

§ 27-14. Ordinances as to fire/EMS departments, etc.

A. Such governing body may make such ordinances in relation to the powers and duties of fire/EMS departments, companies, chiefs, or directors and other officers as it may deem proper, *including charging insurers on behalf of volunteer fire/EMS departments.*

B. The ordinances shall not require a minor who achieved certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, on or before January 1, 2006, between the ages of 15 and 16, to repeat the certification after his sixteenth birthday.

§ 32.1-111.14. Powers of governing bodies of counties, cities, and towns.

A. Upon finding as fact, after notice and public hearing, that exercise of the powers enumerated below is necessary to assure the provision of adequate and continuing emergency services and to preserve, protect and promote the public health, safety and general welfare, the governing body of any county or city is empowered to:

1. Enact an ordinance making it unlawful to operate emergency medical services vehicles or any class thereof established by the Board in such county or city without having been granted a franchise or permit to do so;

2. Grant franchises or permits to agencies based within or outside the county or city; however, any agency in operation in any county or city on June 28, 1968, that continues to operate as such, up to and including the effective date of any ordinance adopted pursuant to this section, and that submits to the governing body of the county or city satisfactory evidence of such continuing operation, shall be granted a franchise or permit by such governing body to serve at least that part of the county or city in which the agency has continuously operated if all other requirements of this article are met;

3. Limit the number of emergency medical services vehicles to be operated within the county or city and by any agency;

4. Determine and prescribe areas of franchised or permitted service within the county or city;

5. Fix and change from time to time reasonable charges for franchised or permitted services;

6. Set minimum limits of liability insurance coverage for emergency medical services vehicles;

7. Contract with franchised or permitted agencies for transportation to be rendered upon call of a county or municipal agency or department and for transportation of bona fide indigents or persons certified by the local board of social services to be public assistance or social services recipients; and

8. Establish other necessary regulations consistent with statutes or regulations of the Board relating to operation of emergency medical services vehicles.

B. In addition to the powers set forth above, the governing body of any county or city is authorized to provide, or cause to be provided, services of emergency medical services vehicles; to own, operate and maintain emergency medical services vehicles; to make reasonable charges for use of emergency medical services vehicles, including charging insurers for ambulance services as authorized by § 38.2-3407.9 *and for volunteer fire/EMS services*; and to contract with any agency for the services of its emergency medical services vehicles.

C. Any incorporated town may exercise, within its corporate limits only, all those powers enumerated in subsections A and B either upon the request of a town to the governing body of the county wherein the town lies and upon the adoption by the county governing body of a resolution permitting such exercise, or after 180 days' written notice to the governing body of the county if the county is not exercising such powers at the end of such 180-day period.

D. No county ordinance enacted, or other county action taken, pursuant to powers granted herein shall be effective within an incorporated town in such county which is at the time exercising such

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59 powers until 180 days after written notice to the governing body of the town.

60 E. Nothing herein shall be construed to authorize any county to regulate in any manner emergency
61 medical services vehicles owned and operated by a town or to authorize any town to regulate in any
62 manner emergency medical services vehicles owned and operated by a county.

63 F. Any emergency medical services vehicles operated by a county, city or town under authority of
64 this section shall be subject to the provisions of this article and to the regulations of the Board adopted
65 thereunder.

66 **§ 38.2-2235. Coverage for volunteer fire department and emergency medical services organization**
67 **costs.**

68 *Each insurer issuing or delivering a policy of motor vehicle insurance as defined in § 38.2-124 shall*
69 *provide coverage for the service charges made by a volunteer fire department and volunteer emergency*
70 *medical services organization when such department or organization is called to respond to a loss or*
71 *damage arising out of the ownership, maintenance, or use of a motor vehicle. The limit of such*
72 *coverage shall be no less than \$250 per responding volunteer fire department and emergency medical*
73 *services organization. Higher coverage limits may be offered by an insurer for an additional premium.*
74 *Any bill for such service charges shall be sent to the owner of the motor vehicle for which the services*
75 *were rendered. The amount billed shall not exceed the limit of such coverage. The provisions of this*
76 *section apply to volunteer fire departments and volunteer emergency medical services organizations that*
77 *are not fully funded by real estate taxes or other property taxes.*