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## HOUSE BILL NO. 1215

Offered January 26, 1998

*A BILL to amend and reenact §§ 32.1-111.1 and 32.1-111.14 of the Code of Virginia and to amend and reenact § 6 of Chapter 431 of the Acts of Assembly of 1991, relating to emergency medical services.*

Patrons—Ingram and Shuler; Senator: Chichester

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-111.1 and 32.1-111.14 of the Code of Virginia are amended and reenacted as follows:**

§ 32.1-111.1. Definitions.

As used in this article:

"Advisory Board" means the State Emergency Medical Services Advisory Board.

"Agency" means any person engaged in the business, service or regular activity, whether or not for profit, of transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless, or of rendering immediate medical care to such persons.

"Emergency medical services personnel" means persons responsible for the direct provision of emergency medical services in a given medical emergency including all persons who could be described as attendants, attendants-in-charge, or operators.

"Emergency medical services vehicle" means any privately or publicly owned vehicle, vessel or aircraft that is specially designed, constructed, or modified and equipped and is intended to be used ~~for~~ ~~and is maintained or operated in a medical emergency or a nonemergency situation~~ to provide immediate medical care to or to transport persons who are sick, injured, wounded or otherwise incapacitated or helpless.

"Medical emergency" means a sudden and unforeseen illness or accident requiring immediate, urgent, and unscheduled medical attention.

§ 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 response to a medical emergency* 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 *to respond to medical emergencies in such 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~~ *authorized to respond to medical emergencies* 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 public welfare or social services to be public assistance 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; and to contract with any agency for the services of its emergency medical services vehicles.

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

65 D. No county ordinance enacted, or other county action taken, pursuant to powers granted herein  
66 shall be effective within an incorporated town in such county which is at the time exercising such  
67 powers until 180 days after written notice to the governing body of the town.

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

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

74 **2. That § 6 of Chapter 431 of the Acts of Assembly of 1991 is amended and reenacted as follows:**

75 § 6. General grant of powers.

76 The Authority created hereunder shall be deemed to be a public instrumentality exercising public and  
77 essential governmental functions to provide for the public health, safety and welfare, and such Authority  
78 is hereby authorized and empowered to:

79 1. Provide emergency ambulance service originating in the city, nonemergency service within the  
80 Commonwealth, and mutual aid to other jurisdictions upon request of such jurisdictions and conduct  
81 such other activities as may be reasonably related to doing so, subject to such restrictions as may be  
82 imposed by law. *However, notwithstanding the provisions of this section, the organizing municipality*  
83 *shall not pass any resolution or enact any ordinance which would prohibit any agency from responding*  
84 *to or conducting nonemergency transport within the municipality, whether originating within or outside*  
85 *the municipality;*

86 2. Adopt bylaws for the regulation of its affairs and the conduct of its business;

87 3. Adopt an official seal and alter the same at pleasure;

88 4. Maintain an office at such place or places as it may designate;

89 5. Sue and be sued in its own name, plead and be impleaded;

90 6. Purchase, lease, equip, maintain, repair and operate motor vehicles, equipment and facilities within  
91 the corporate limits of the organizing municipality deemed necessary to perform its functions;

92 7. Fix and revise from time to time and charge and collect rates, rentals, fees and other charges for  
93 the services and facilities furnished by such Authority;

94 8. Acquire in the name of the Authority by gift, or lease-purchase, any motor vehicles and  
95 equipment, and to acquire such other personal property, as it may deem necessary in connection with the  
96 performance of its functions;

97 9. Lease all or any part of such motor vehicles, equipment and facilities upon such terms and  
98 conditions and for such term of years as it may deem advisable to carry out the provisions of this Act;

99 10. Make and enter into all contracts and agreements necessary or incidental to the performance of  
100 its duties and the execution of its powers under this Act; and employ such financial experts, accountants  
101 and attorneys and such employees and agents as may, in the judgment of the Authority, be deemed  
102 necessary, and fix their compensation; however, all such expenses shall be payable solely from funds  
103 made available under the provisions of this Act;

104 11. Do all acts and things necessary or convenient to carry out the powers granted by this Act;

105 12. Make and enter into all contracts with private entities with respect to any service to be performed  
106 by the Authority; and

107 13. Sell, exchange, donate, and convey any or all of its properties, real, personal or mixed, whenever  
108 its members shall find any such action to be in furtherance of the purposes for which the Authority was  
109 organized.