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HOUSE BILL NO. 2472

Offered January 21, 1999

A BILL to amend and reenact §§ 32.1-111.6 and 32.1-111.14 of the Code of Virginia, relating to emergency medical services.

Patrons—Orrock, Abbitt and Ingram

Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-111.6 and 32.1-111.14 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-111.6. Permits; agency; emergency medical services vehicles.

A. No person shall operate, conduct, maintain or profess to be an agency without a valid permit issued by the Commissioner for such agency and for each emergency medical services vehicle used by such agency.

B. The Commissioner shall issue an original or renewal permit for an agency or emergency medical services vehicle which meets all requirements set forth in this article and in the regulations of the Board, upon application, on forms and according to procedures established by the Board. Permits shall be valid for a period specified by the Board, not to exceed two years.

C. The Commissioner may issue temporary permits for agencies or emergency medical services vehicles not meeting required standards, valid for a period not to exceed sixty days, when the public interest will be served thereby.

D. The issuance of a permit hereunder shall not be construed to authorize any agency to operate any emergency medical services vehicle without a franchise or permit in ~~any~~ the county or municipality in which ~~has enacted the agency is located and in accordance with~~ an ordinance pursuant to § 32.1-111.14 making it unlawful to do so.

§ 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 may~~:

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 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 may~~ 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.

C. Any incorporated town may exercise, within its corporate limits only, all those powers enumerated in subsections A and B of this section 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

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60 permitting such exercise, or after 180 days' written notice to the governing body of the county if the
61 county is not exercising such powers at the end of such 180-day period.

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

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

68 F. Any emergency medical services vehicles operated by a county, city or town ~~under authority of~~
69 *pursuant to this section or by any authority established in a locality for the purpose of operating*
70 *emergency medical services* shall be subject to the provisions of this article and to the regulations of the
71 Board adopted thereunder.

72 *G. In accordance with the provisions of the Fourteenth Amendment of the Constitution of the United*
73 *States and Article I, § 11 of the Constitution of Virginia, this section does not and shall not be*
74 *construed to authorize any local governing body to adopt any ordinance relating to the franchising or*
75 *permitting of emergency medical services vehicles that deprives any person, as defined in § 1-13.19, of*
76 *his liberty to contract for services or which interferes with the right of any person to contract for*
77 *services or impairs the obligation of contracts.*