



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 724**

April 7, 2010 – Offered by Representative HIXSON.

1 **AN ACT** *to amend* 346.03 (1); and *to create* 20.435 (1) (cj), 20.435 (1) (gk), 256.20
2 and 346.03 (7) of the statutes; **relating to:** creating an ambulance operator
3 safety program, rules of the road applicable to the operation of ambulances,
4 requiring the exercise of rule-making authority, and making appropriations.

Analysis by the Legislative Reference Bureau

Under current law, authorized emergency vehicles include police vehicles, fire department vehicles, and ambulances. When the operator of an authorized emergency vehicle is responding to an emergency call or in pursuit of an actual or suspected violator of the law, the operator is exempt from traffic restrictions relating to speed, traffic signals, and direction of travel if the operator activates the vehicle's warning lights and siren, but he or she must drive with due regard under the circumstances for the safety of all persons. The operator is also exempt from traffic restrictions relating to parking if the operator activates the vehicle's warning lights.

Also under current law, ambulance operators are not required to participate in or complete any specialized driver training program.

This bill requires the Department of Health Services (DHS) to establish and administer an ambulance operator safety program for operators of ambulances that are either publicly owned or are privately owned and authorized by the sheriff or county board as emergency vehicles. DHS must provide a safety course to operators of ambulances and must certify a person who successfully completes an ambulance

operator safety course. By rule, DHS, in consultation with an advisory committee, must establish safety standards for ambulance operators, establish certification and recertification periods for ambulance operators, establish a curriculum for ambulance operator safety courses that includes classroom instruction and actual practice driving an ambulance accompanied by an instructor, and set other requirements. DHS must inform ambulance owners of the certification requirements, certification process, and safety standards.

DHS may certify a driver school or a technical college to conduct the ambulance operator safety course and may enter into a contract with a certified driver school or certified technical college to administer the course to ambulance operators. DHS may inspect the certified driver school or certified technical college to determine compliance with the contract and may terminate the ambulance operator safety course or recover damages if the driver school or technical college is not complying with the law or the contract.

Also under this bill, for the authorized emergency vehicle exemption from traffic restrictions to apply, the operator of an ambulance must be currently certified by the Department of Transportation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.435 (1) (cj) of the statutes is created to read:

2 20.435 (1) (cj) *Ambulance operator safety program.* The amounts in the
3 schedule for administration of the ambulance operator safety program under s.
4 256.20 and for certifying ambulance operators under s. 256.20 (3).

5 **SECTION 2.** 20.435 (1) (gk) of the statutes is created to read:

6 20.435 (1) (gk) *Ambulance operator safety course administrator certification.*
7 All moneys received from fees under s. 256.20 (5) (b), for the purpose of certifying
8 ambulance operator safety course administrators under s. 256.20 (5) (a).

9 **SECTION 3.** 256.20 of the statutes is created to read:

10 **256.20 Ambulance operator safety. (1) DEFINITION.** Notwithstanding s.
11 256.01 (1), in this section, “ambulance” means a vehicle described under s. 340.01 (3)
12 (g) or (i).

1 **(2) SAFETY PROGRAM; COURSE.** The department shall establish and administer
2 an ambulance operator safety program to promote the safe operation of ambulances,
3 including providing a safety course to operators of ambulances.

4 **(3) OPERATOR CERTIFICATION.** The department shall certify as an ambulance
5 operator each person who successfully completes an ambulance operator safety
6 course under sub. (2) or (5).

7 **(4) NOTIFICATION.** The department shall notify ambulance owners of the process
8 for certification of ambulance operators and any safety standards for ambulance
9 operation.

10 **(5) COURSE ADMINISTRATOR CERTIFICATION; CONTRACTS.** (a) The department may
11 certify as a course administrator a driver school licensed under s. 343.61 or a
12 technical college that offers a training course in emergency vehicle operation. The
13 department may contract with a driver school or technical college that is certified
14 under this subsection to administer an ambulance operator safety course and to
15 conduct written examinations for certification or recertification. The department
16 shall include all of the following provisions in a contract with a course administrator:

17 1. All instruction given and examinations conducted by the course
18 administrator shall comply with the rules and any standards established by the
19 department.

20 2. Within 5 days after an applicant completes the course or examination, the
21 course administrator shall notify the department if the applicant has successfully
22 completed the ambulance operator safety course or the written examination.

23 (b) A driver school or technical college applying for certification as a course
24 administrator shall pay an application fee to the department in an amount

1 established by the department. The application fee under this paragraph may not
2 exceed the actual cost of reviewing and processing the application for certification.

3 (c) The department may conduct inspections of the course administrator to
4 determine compliance with the contract and with department certification
5 requirements for course administrators.

6 (d) The department shall take prompt and appropriate remedial action against
7 a course administrator if the course administrator fails to comply with department
8 standards for course administrators or any provision of the contract under this
9 subsection or unreasonably interferes with a department inspection under par. (c).
10 Remedial action may include immediate termination of any ambulance operator
11 safety courses administered by the course administrator and recovery of damages
12 incurred by the department as a result of the course administrator's failure to comply
13 with standards under this subsection or provisions of the contract under this
14 subsection.

15 **(6) RULES.** The department, in consultation with the advisory committee
16 established under 2009 Wisconsin Act (this act), section 6 (1), shall promulgate
17 rules that do all of the following:

18 (a) Establish safety standards for ambulance operators.

19 (b) Establish certification and recertification periods for ambulance operators.

20 (c) Establish a curriculum for ambulance operator safety courses that includes
21 classroom instruction and actual practice driving an ambulance accompanied by an
22 instructor.

23 (d) Allow technical colleges and driver schools to apply for certification and
24 provide a safety course for the certification and recertification of ambulance
25 operators.

1 (e) Implement and administer this section.

2 **SECTION 4.** 346.03 (1) of the statutes is amended to read:

3 346.03 (1) The operator of an authorized emergency vehicle, when responding
4 to an emergency call or when in the pursuit of an actual or suspected violator of the
5 law, when responding to but not upon returning from a fire alarm, when transporting
6 an organ for human transplantation, or when transporting medical personnel for the
7 purpose of performing human organ harvesting or transplantation immediately
8 after the transportation, may exercise the privileges set forth in this section, but
9 subject to the conditions stated in subs. (2) to (5m) and (7).

10 **SECTION 5.** 346.03 (7) of the statutes is created to read:

11 346.03 (7) The privileges granted under this section apply to the operator of an
12 ambulance under s. 340.01 (3) (g) or (i) only if the operator holds a current
13 certification under s. 256.20 (3).

14 **SECTION 6. Nonstatutory provisions.**

15 (1) ADVISORY COMMITTEE CREATION.

16 (a) The department of health services shall appoint an ambulance operator
17 safety course committee that consists of at least one representative from each of the
18 following groups, within 30 days after the effective date of this paragraph:

19 1. Organizations that represent emergency response personnel, such as the
20 Wisconsin EMS Association, Professional Ambulance Association of Wisconsin, and
21 Wisconsin State Firefighters' Association.

22 2. The public.

23 3. Employees of the department of health services.

24 4. Entities that provide an ambulance operator safety course on the effective
25 date of this paragraph.

