2009 DRAFTING REQUEST

Bill

Received: **01/26/2010**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Coggs (608) 266-2500**

By/Representing: **David de Felice**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - other**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Sen.Coggs@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Training for ambulance drivers.

Instructions:

See attached. Companion to 09-3921.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	emueller 01/28/2010	csicilia 02/03/2010		_____ _____			State
/1			jfrantze 02/03/2010	_____ _____	sbasford 02/03/2010	lparisi 02/03/2010	

FE Sent For:
at intro

<END>

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/?	emueller	1 cjs 2/3/10	[illegible]	2/3			
/1	EVM 1/28/10						

FE Sent For:

<END>

Barman, Mike

From: LRB.Legal
Sent: Tuesday, January 26, 2010 1:56 PM
To: Mueller, Eric
Subject: FW: Draft request

Attachments: Bill - 2010 - Ambulance Driver Training Draft- Assembly LRB 3921-1.pdf

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From: de Felice, David Patrick
Sent: Tuesday, January 26, 2010 1:51 PM
To: LRB.Legal
Subject: Draft request

Please draft a Senate companion version to this Assembly LRB.

Thank you,

Dave

Office of Sen. Coggs
608-266-2500 phone
608-282-3546 fax

Bill - 2010 - Ambulance Driver...

State of Wisconsin
2009 – 2010 LEGISLATURE

From 4197/1

LRB–3921/4
EVM:cjs:ph

8 days

RMNR

2009 BILL

No Changes / Companion Bill

In 1/28/10

Gen Cat

SAV

1 AN ACT ***to amend*** 346.03 (1); and ***to create*** 20.395 (5) (ru), 85.57 and 346.03 (7)
2 of the statutes; **relating to:** creating an ambulance operator safety program in
3 the Department of Transportation, rules of the road applicable to the operation
4 of ambulances, requiring the exercise of rule–making authority, and making an
5 appropriation.

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 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 Transportation (DOT) to establish and administer an ambulance operator safety program consisting of several components. First, DOT must promulgate rules setting standards for the safe operation of ambulances. Second, DOT must establish a system of certification for operators of ambulances based on the completion of an ambulance operator safety course. DOT

must prescribe the mandatory curriculum and components of an ambulance operator safety course, which must include classroom instruction and actual practice driving an ambulance accompanied by an instructor. The course must be consistent with the safe operation of ambulance standards promulgated by DOT. DOT must provide standards for the duration of the course, a mandatory written examination, and a mandatory driving skills test, and any other standards for instruction or examination considered necessary by DOT. Third, DOT must establish a system of recertification for ambulance operators, requiring recertification every three years. Applicants for recertification must pass the written examination required for initial certification as an ambulance operator and, every six years, retake the ambulance operator safety course. Fourth, DOT is authorized to certify, as third–party ambulance operator safety course administrators, driver schools and technical colleges that offer emergency vehicle operator courses if they have met criteria established by DOT and paid an application fee. A third–party administrator may test applicants for certification and recertification as ambulance operators, as well as conduct the ambulance operator safety course. Finally, the bill requires DOT to advise ambulance owners of the safety program and these new requirements for ambulance operators.

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 DOT.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 20.395 (5) (ru) of the statutes is created to read:

2 20.395 **(5)** (ru) *Ambulance operator safety course administrator certification,*
3 *state funds.* All moneys received from fees under s. 85.57 (6) (b), for the purpose of
4 certifying 3rd–party ambulance operator safety course administrators under s.
5 85.57 (6) (a).

6 **SECTION 2.** 85.57 of the statutes is created to read:

7 **85.57 Ambulance operator safety program. (1)** The department shall
8 establish and administer an ambulance operator safety program to promote the safe
9 operation of ambulances.

1 **(2)** The program under this section shall include providing a safety course to
2 operators of ambulances under s. 340.01 (3) (g) or (i). The course shall require
3 training consistent with the standards established under sub. (3) (a) and shall meet
4 the requirements established under sub. (3) (b). The department shall provide
5 certification to each person who successfully completes an ambulance operator
6 safety course under this subsection. This certification shall expire every 3 years after
7 the initial certification. A person whose certification has expired or is within 180
8 days of expiration may be recertified as provided by rule under sub. (3) (c).

9 **(3)** The department shall promulgate rules to implement and administer this
10 section, including rules that do all of the following:

11 (a) Establish standards for the safe operation of ambulances under s. 340.01
12 (3) (g) or (i), including emergency operating techniques.

13 (b) Establish a minimum mandatory curriculum and establish required
14 components for the ambulance operator safety course under sub. (2), which shall
15 include classroom instruction and actual practice driving an ambulance
16 accompanied by an instructor. The rules shall establish standards for the duration
17 of the course, standards for a required written examination, standards for a required
18 ambulance operating skills test, and any other standards for instruction or
19 examination considered necessary by the department.

20 (c) Establish a system for recertification of ambulance operators under sub. (2).
21 The rules under this paragraph shall require that, to be recertified, ambulance
22 operators must pass the written examination required under par. (b) and must, at
23 least once every 6 years after the initial certification, complete the ambulance
24 operator safety course under sub. (2).

1 (d) Establish requirements for certification of 3rd–party ambulance operator
2 safety course administrators under sub. (6).
3 (e) Establish standards and procedures for administering 3rd–party
4 ambulance operator safety courses under sub. (6).
5 **(4)** The department shall review and, if considered appropriate by the
6 department, submit in proposed form rules to revise the standards established under
7 sub. (3) (a) to the legislative council staff under s. 227.15 (1) not later than June 30
8 of each even–numbered year.
9 **(5)** The department shall inform ambulance owners of the program under this
10 section and of the standards and requirements established under sub. (3).
11 **(6)** (a) A driver school licensed under s. 343.61 or a technical college that offers
12 a training course in emergency vehicle operation may be certified by the department
13 as a 3rd–party ambulance operator safety course administrator pursuant to the
14 rules promulgated under sub. (3) (d) and, if certified, may contract with the
15 department to administer an ambulance operator safety course under sub. (2) and
16 certify to the department if an applicant for certification or recertification under sub.
17 (2) has successfully completed the course. A certified 3rd–party ambulance operator
18 safety course administrator may also contract with the department to conduct
19 written examinations for recertification under sub. (3) (c) and certify to the
20 department if an applicant has passed the examination. A contract with a 3rd–party
21 ambulance operator safety course administrator shall include all of the following
22 provisions:
23 1. All instruction given and examinations conducted by the 3rd–party
24 administrator shall comply with the standards established by the department under
25 sub. (3) (b) and (e).

1 2. A 3rd–party administrator under this subsection shall certify to the
2 department if an applicant for certification or recertification under sub. (2) has
3 successfully completed the ambulance operator safety course or if an applicant for
4 recertification has passed the written examination under sub. (3) (c), within 5 days
5 after the applicant completed the course or examination, using procedures
6 established by the department under sub. (3) (e).

7 (b) A driver school or technical college applying for certification as a 3rd–party
8 ambulance operator safety course administrator shall pay an application fee to the
9 department in an amount established by the department. The application fee under
10 this paragraph may not exceed the actual cost of reviewing and processing the
11 application for certification. Fees collected under this paragraph shall be credited
12 to the appropriation account under s. 20.395 (5) (ru).

13 (c) The department may conduct inspections of the 3rd–party administrator to
14 determine compliance with the contract and with department certification
15 requirements for 3rd–party ambulance operator safety course administrators under
16 sub (3) (d).

17 (d) The department shall take prompt and appropriate remedial action against
18 a 3rd–party administrator if the 3rd–party administrator fails to comply with
19 department standards for 3rd–party ambulance operator safety course
20 administrators or any provision of the contract under this subsection or
21 unreasonably interferes with a department inspection under par. (c). Remedial
22 action may include immediate termination of any ambulance operator safety courses
23 administered by the 3rd–party administrator and recovery of damages incurred by
24 the department as a result of the 3rd–party administrator's failure to comply with
25 standards under this subsection or provisions of the contract under this subsection.

1 **SECTION 3.** 346.03 (1) of the statutes is amended to read:

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

9 **SECTION 4.** 346.03 (7) of the statutes is created to read:

10 346.03 **(7)** The privileges granted under this section apply to the operator of an
11 ambulance under s. 340.01 (3) (g) or (i) only if the operator holds a current
12 certification under s. 85.57 (2).

13 **SECTION 5. Nonstatutory provisions.**

14 (1) The department of transportation shall submit in proposed form the rules
15 required under section 85.57 (3) of the statutes, as created by this act, to the
16 legislative council staff under section 227.15 (1) of the statutes no later than the first
17 day of the 7th month beginning after the effective date of this subsection.

18 **SECTION 6. Initial applicability.**

19 (1) This act first applies to ambulances operated on the effective date of this
20 subsection.

21 **SECTION 7. Effective dates.** This act takes effect on the first day of the 19th
22 month beginning after publication, except as follows:

23 (1) SECTION 5 (1) of this act takes effect on the day after publication.

24 **(END)**

Duerst, Christina

From: de Felice, David Patrick
Sent: Wednesday, February 03, 2010 11:47 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-4197/1 Topic: Training for ambulance drivers.

Please Jacket LRB 09-4197/1 for the SENATE.