

2007 ASSEMBLY BILL 910

March 4, 2008 – Introduced by Representatives HIXSON and A. WILLIAMS, cosponsored by Senator LEHMAN. Referred to Committee on Transportation.

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 driver 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 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 parking if the operator activates the vehicle's warning lights. The operator of an authorized emergency vehicle is also 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. 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 driver safety program. For the authorized emergency vehicle exemption from traffic restrictions to apply, persons operating ambulances must successfully complete an ambulance driver safety course and receive certification from DOT. The bill requires DOT to promulgate rules setting

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ambulance operation standards, base the ambulance driver safety course upon those standards, and establish a written examination and any other instruction or examination considered by DOT to be necessary. DOT must review and if necessary revise those standards biennially. DOT must establish a system of recertification for ambulance drivers, requiring recertification every three years. The bill requires applicants for recertification to pass the written examination required for initial certification as ambulance drivers and retake the ambulance driver safety course every nine years. Finally, the bill requires DOT to advise ambulance owners of the safety program and these new requirements for ambulance drivers.

The bill also authorizes driver schools and technical colleges that offer emergency vehicle operator courses that have met criteria established by rule and paid a fee to be certified by DOT as third-party ambulance driver safety course administrators. A third-party administrator may test applicants for certification and recertification as ambulance drivers, as well as conduct the ambulance driver safety course.

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 driver safety course administrator certification, state*
3 *fun*ds. All moneys received from fees under s. 85.57 (6) (b), for the purpose of
4 certifying 3rd-party ambulance driver safety course administrators under s. 85.57
5 (6) (a).

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

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

10 **(2)** The program under this section shall include providing a safety training
11 course to operators of ambulances under s. 340.01 (3) (g) or (i). Training shall be
12 consistent with the standards established under sub. (3) (a) and shall meet the
13 requirements established under sub. (3) (b). The department shall provide

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1 certification to each person who successfully completes an ambulance driver safety
2 course under this subsection. This certification shall expire every 3 years. A person
3 whose certification has expired or is nearing expiration may be recertified as
4 provided by rule under sub. (3) (c).

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

7 (a) Establish standards for the safe operation of ambulances under s. 340.01
8 (3) (g) or (i), including emergency driving techniques.

9 (b) Establish a minimum mandatory curriculum and establish required
10 components for the ambulance driver safety course under sub. (2), which shall
11 include duration of the course, standards for a required written examination,
12 standards for a required ambulance driving skills test, and any other standards for
13 instruction or examination considered necessary by the department.

14 (c) Establish a system for recertification of ambulance operators under sub. (2).
15 The rules under this paragraph shall require that ambulance operators seeking
16 recertification must pass the written examination established under par. (b) and
17 must, at least once every 9 years after the initial certification, retake the ambulance
18 driver safety course under sub. (2) and pass any examinations required for initial
19 certification.

20 (d) Establish requirements for certification of 3rd-party ambulance driver
21 safety course administrators under sub. (6).

22 (e) Establish standards and procedures for administering 3rd-party
23 ambulance driver safety courses under sub. (6).

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1 **(4)** The department shall review and, if considered appropriate by the
2 department, propose rules to revise the standards established under sub. (3) (a) not
3 later than June 30 of each even-numbered year.

4 **(5)** The department shall inform ambulance owners of the program under this
5 section and of the standards and requirements established under sub. (3).

6 **(6)** (a) A driver school licensed under s. 343.61 or a technical college that offers
7 emergency vehicle operator courses may be certified by the department as a
8 3rd-party ambulance driver safety course administrator pursuant to the rules
9 promulgated under sub. (3) (d) and, if certified, may contract with the department
10 to administer an ambulance driver safety course under sub. (2) and certify to the
11 department if an applicant for certification or recertification under sub. (2) has
12 successfully completed the course. A 3rd-party ambulance driver safety course
13 administrator contracting with the department under this paragraph may also
14 conduct written examinations for recertification under sub. (3) (c). A contract with
15 a 3rd-party ambulance driver safety course administrator shall include all of the
16 following provisions:

17 1. All instruction given and examinations conducted by the 3rd-party
18 administrator shall comply with the standards established by the department under
19 sub. (3) (b) and (e).

20 2. A 3rd-party administrator under this subsection shall certify to the
21 department if an applicant for certification or recertification under sub. (2) has
22 successfully completed the ambulance driver safety course or if an applicant for
23 recertification has passed the written examination under sub. (3) (c), within 5 days
24 after the applicant completed the course or examination, using procedures
25 established by the department under sub. (3) (e).

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1 3. At least annually, the department shall conduct an on-site inspection of the
2 3rd-party administrator to determine compliance with the contract and with
3 department certification requirements for 3rd-party ambulance driver safety course
4 administrators under sub (3) (d).

5 (b) Driver schools and technical colleges seeking certification as 3rd-party
6 ambulance driver safety course administrators shall pay a certification fee to the
7 department in an amount established by the department. The fee for the 3rd-party
8 administrator certification under this paragraph may not exceed the actual cost of
9 reviewing and processing the application for certification. Fees collected under this
10 paragraph shall be credited to the appropriation account under s. 20.395 (5) (ru).

11 (c) The department shall take prompt and appropriate remedial action against
12 a 3rd-party administrator in the event that the administrator fails to comply with
13 department standards for ambulance driver safety course administrators or any
14 provision of the contract under this subsection. Such action may include immediate
15 termination of any ambulance driver safety courses administered by the 3rd-party
16 administrator and recovery of damages incurred by the department as a result of the
17 3rd-party administrator's failure to comply with standards under this subsection or
18 provisions of the contract under this subsection.

19 **SECTION 3.** 346.03 (1) of the statutes, as affected by 2007 Wisconsin Act 20, is
20 amended to read:

21 **346.03 (1)** The operator of an authorized emergency vehicle, when responding
22 to an emergency call or when in the pursuit of an actual or suspected violator of the
23 law, when responding to but not upon returning from a fire alarm, when transporting
24 an organ for human transplantation, or when transporting medical personnel for the
25 purpose of performing human organ harvesting or transplantation immediately

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1 after the transportation, may exercise the privileges set forth in this section, but
2 subject to the conditions stated in subs. (2) to (5m) and (7).

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

4 346.03 (7) The privileges granted under this section apply to the operator of an
5 ambulance under s. 340.01 (3) (g) or (i) only if the operator of an ambulance holds a
6 current certification under s. 85.57 (2).

7 **SECTION 5. Nonstatutory provisions.**

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

12 **SECTION 6. Initial applicability.**

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

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

17 (1) The treatment of SECTION 5 (1) of this act takes effect on the day after
18 publication.

19 (END)