

2007 DRAFTING REQUEST

Bill

Received: 05/18/2007

Received By: bbalinsk

Wanted: As time permits

Identical to LRB:

For: Kim Hixson (608) 266-9650

By/Representing: Bobby

This file may be shown to any legislator: NO

Drafter: bbalinsk

May Contact:

Addl. Drafters:

Subject: Transportation - driver licenses

Extra Copies: ARG

Submit via email: YES

Requester's email: Rep.Hixson@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Training for ambulance drivers

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	bbalinsk 07/10/2007	bkraft 07/31/2007	jfrantze 08/09/2007	_____	mbarman 08/09/2007		State
	bbalinsk 07/18/2007	csicilia 08/09/2007		_____			
/1	bbalinsk 01/31/2008	csicilia 02/05/2008	nnatzke 02/05/2008	_____	sbasford 02/05/2008		State
	bbalinsk 02/05/2008			_____			

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/2		csicilia 02/06/2008	rschluet 02/06/2008	_____	mbarman 02/06/2008	sbasford 02/08/2008	State

FE Sent For:

*at
intro*

<END>

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Instructions:

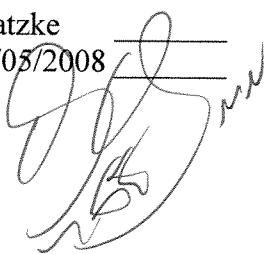
See Attached

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/P1	bbalinsk 07/10/2007	bkraft 07/31/2007	jfrantze 08/09/2007	_____	mbarman 08/09/2007		State
	bbalinsk 07/18/2007	csicilia 08/09/2007		_____			
/1	bbalinsk 01/31/2008	csicilia 02/05/2008	nmatzke 02/05/2008	_____	sbasford 02/05/2008		State

FE Sent For:

2 cjs 2/6/08



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May Contact:

Addl. Drafters:

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	bbalinsk 07/18/2007	csicilia 08/09/2007		_____			

FE Sent For:

Legs 2/5
08
nwn 2/5
nwn/jf 2/5
<END>

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/P1	bbalinsk	/P1 bjk 7/24					
			8/9				

FE Sent For:

<END>

5-KB-07

Dc f Bobby @ Kim Hixson's office
6-9650

Ambulance divers - no
tests for diving

- 40 hr requirement for course,
go with police officers
- who pays for it?
- who runs it?

- KB MOS - effective date.
- DOT certified program

165.85 (4) (br) 1m.
4 (con) z. b.





PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS - check spelling.

gjs

IN
7/18/07
SA ✓
X-ref ✓

D-NOTE ←

- 1 AN ACT ...; relating to: creating an ambulance driver training program in the
- 2 Department of Transportation, rules of the road applicable to the operation of
- 3 ambulances, and granting rule-making authority.

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 vehicle's warning lights are activated. The operator of an authorized emergency vehicle is also exempt from traffic restrictions relating to speed, traffic signals, and direction of travel if the vehicle's warning lights and siren are activated. Even when an authorized emergency vehicle is operated with the vehicle's warning lights and siren activated, the operator must drive with due regard under the circumstances for the safety of all persons. There is no requirement under current law for an operator of an ambulance to participate in or complete any specialized driver training program.

This bill requires the Department of Transportation (DOT) to establish and administer an emergency vehicle driver training program for ambulance drivers. For the authorized emergency vehicle exemption from traffic restrictions to apply, persons operating ambulances must successfully complete the emergency vehicle driving program and receive certification from DOT. The bill requires DOT to promulgate rules setting emergency vehicle operation standards and base the ambulance operator training program upon those standards. DOT may review and if necessary revise those standards biennially. DOT must establish a system of

operator activates the

DOT

are not required

ambulance

driver

safety course

operator activates the

ambulance

an ambulance driver safety course

comma

biennial
 recertification every two years for ambulance drivers. Finally, the bill requires DOT to advise ambulance owners of the program and these new requirements. *for ambulance drivers*
 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:

SECTION 1. 346.03 (7) of the statutes is created to read:

move section
 346.03 (7) The privileges granted under this section apply to the operator of an *ambulance* authorized emergency vehicle under s. 340.01 (3) (g) or (i) only if the operator of the *an* ambulance *holds a current* has received certification from the department for successfully completing a safety and training course in emergency vehicle operation established by the department under s. 85.57. *(2)(b)*

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

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

(2) (a) The program under sub. (1) shall include providing training to operators of emergency vehicles under s. 340.01 (3) (g) or (i). Training shall be consistent with the standards established under sub. (3). *this section*

(b) The department shall provide a certification for each person who successfully completes a training course established under par. (a) that consists of at least 4 training hours. This certification shall expire every two years. A person whose certification has expired or is nearing expiration may be recertified as provided by rule under sub. (3) (b). *an ambulance driver*

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

✓
(a) Establish standards for the safe operation of emergency vehicles ^{ambulances} under s. 340.01 (3) (g) or (i), including emergency driving techniques.

✓
(b) Establish a system for biennial ^{under} recertification of ambulance operators following expiration of certification as provided in sub. (2) (b). Recertification shall require training relating to ambulance operation standards and driving ^{under par. (a)} techniques.

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

✓
(5) The department shall inform ambulance owners of the program under this section and of the standards ^{and requirements} established under sub. (3) (a).
→ insert section here

SECTION 3. Initial applicability.

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

SECTION 4. Effective date.

(1) This act takes effect on the first day of the 19th month beginning after publication.

✓
(END)

Insert A

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2758/Plins
BAB:.....

1 Insert A

2

✓

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

4 346.03 (1) The operator of an authorized emergency vehicle, when responding
5 to an emergency call or when in the pursuit of an actual or suspected violator of the
6 law or when responding to but not upon returning from a fire alarm, may exercise
7 the privileges set forth in this section, but subject to the conditions stated in subs.
8 (2) to (5) and (7).

History: 1983 a. 56; 1985 a. 82, 143; 1987 a. 126; 1995 a. 36; 1997 a. 88.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2758/P1dn

BAB:.....

1
~~gjs~~
gjs

Date

ATTN: Bobby

The attached draft has been prepared in preliminary form. ✓ Please review the draft carefully to ensure that it is consistent with your intent. ✓

In most areas, the Department of Health and Family Services regulates the staffing of ambulances and I would strongly encourage you to speak with both DHFS and DOT to discuss the establishment of both emergency vehicle driving standards and the ambulance driver training program.

Your request specified that there should be a 40-hour training period required of ambulance drivers that would be equivalent to the emergency driver training that law enforcement officers receive. I was not able to find any reference in the statutes or administrative code to a 40-hour driving course but instead found a four-hour driver training requirement for law enforcement officers under s. 165.85 (4) (bn) 1m. The draft adopts the emergency driver training requirements for law enforcement officers and requires that ambulance drivers successfully complete a four-hour training course. Is that acceptable or would you like some other length for the course? ✓

The draft requires DOT to establish an emergency vehicle driver training program for ambulance drivers. Do you wish to provide only for that one program run by DOT or would you like to allow DOT to certify non-DOT ambulance driver training programs or both? If you would like to allow DOT to certify non-DOT programs, must they be set up by municipalities or would you like to enable private parties to establish ambulance driver training schools?

② If you would like to allow non-DOT training programs, how would you like to handle the issue of fees? ^{AA} will the program set the fees or will DOT? How will fees be collected and distributed to the party operating the training program?

If DOT is to run one or more training programs, how would you like that funded? If DOT is to certify non-DOT training centers, how would you like that funded?

I have required recertification for ambulance drivers every two years. Is that acceptable? Would you like any continuing driver training prior to recertification?

The draft requires DOT to promulgate rules - do you want to set a deadline for DOT to submit proposed rules to the legislative council? Given the length of the delayed

effective date, DOT should be able to promulgate a final set of rules before the effective date if DOT has a six-month proposed rule submission date.

Brett A. Balinsky
Legislative Attorney
Phone: (608) 267-7380
E-mail: brett.balinsky@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2758/P1dn

BAB:cjs:jf

August 9, 2007

ATTN: Bobby

The attached draft has been prepared in preliminary form. Please review the draft carefully to ensure that it is consistent with your intent.

In most areas, the Department of Health and Family Services regulates the staffing of ambulances and I would strongly encourage you to speak with both DHFS and DOT to discuss the establishment of both emergency vehicle driving standards and the ambulance driver training program.

Your request specified that there should be a 40-hour training period required of ambulance drivers that would be equivalent to the emergency driver training that law enforcement officers receive. I was not able to find any reference in the statutes or administrative code to a 40-hour driving course but instead found a four-hour driver training requirement for law enforcement officers under s. 165.85 (4) (bn) 1m. The draft adopts the driver training requirements for law enforcement officers and requires that ambulance drivers successfully complete a four-hour training course. Is that acceptable or would you like some other length for the course?

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If you would like to allow non-DOT training programs, how would you like to handle the issue of fees? Will the program set the fees or will DOT? How will fees be collected and distributed to the party operating the training program?

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Brett A. Balinsky
Legislative Attorney
Phone: (608) 267-7380
E-mail: brett.balinsky@legis.wisconsin.gov

Balinsky, Brett

From: Singer, Patrick
Sent: Friday, January 04, 2008 11:22 AM
To: Balinsky, Brett
Subject: LRB-2758/P1 Update

Hi Brett -

We wanted to just touch up the draft of LRB-2758 to get it introduced. We went through your drafters note and have addressed your questions.

If you have any other questions or comments please feel free to contact us immediately.

Your request specified that there should be a 40-hour training period required of ambulance drivers that would be equivalent to the emergency driver training that law enforcement officers receive. I was not able to find any reference in the statutes or administrative code to a 40-hour driving course but instead found a four-hour driver training requirement for law enforcement officers under s. 165.85 (4) (bn) 1m. The draft adopts the driver training requirements for law enforcement officers and requires that ambulance drivers successfully complete a four-hour training course. Is that acceptable or would you like some other length for the course?

Is it possible to leave the time required up to the rules that DOT will promulgate in regards to the training program? It seems to be hard at this point to select an arbitrary amount of time.

The draft requires DOT to establish an emergency vehicle driver training program for ambulance drivers. Do you wish to provide only for that one program run by DOT or would you like to allow DOT to certify non-DOT ambulance driver training programs or both? If you would like to allow DOT to certify non-DOT programs, must they be set up by municipalities or would you like to enable private parties to establish ambulance driver training schools?

Our intent was to allow the existing EVOC trainings done at numerous technical colleges to fill this void; we also would like to allow private companies to be certified by DOT to not put the burden on the DOT but to take advantage of existing tech colleges and potential private businesses to do the training.

If you would like to allow non-DOT training programs, how would you like to handle the issue of fees? Will the program set the fees or will DOT? How will fees be collected and distributed to the party operating the training program?

We would like it if the fees assessed by the non-DOT programs were low but would not like to set any kind of cap or mandate if possible.

If DOT is to run one or more training programs, how would you like that funded? If DOT is to certify non-DOT training centers, how would you like that funded?

If there was a nominal fee for a business/tech college to pay to the DOT to be a certified training center, that would be the optimal setup. The cost of that would depend on the fiscal impact of the certification program on the DOT.

I have required recertification for ambulance drivers every two years. Is that acceptable? Would you like any continuing driver training prior to recertification?

We would like to increase that to 3 years. We would also like if there could be two tiers of recertification. Where for the first and second recertification there would be a less rigorous requirement (a simple paper test), and for the third one (after 9 years) there would be a required taking the full training program again.

The draft requires DOT to promulgate rules – do you want to set a deadline for DOT to submit proposed rules to the legislative council? Given the length of the delayed effective date, DOT should be able to promulgate a final set of rules before the effective date if DOT has a six-month proposed rule submission date.

The effective date and six-month proposed rule submission date should be sufficient.

Patrick Singer
Legislative Assistant
Office of Representative Kim Hixson
43rd Assembly District
4 West State Capitol
(608) 266-9650



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2758/P1

BAB:cjs:jf

RMR

stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SN

FN 1/31/08

Need by 2/5/08

D-NOTE

Reger Cat

1 AN ACT to amend 346.03 (1); and to create 85.57 and 346.03 (7) of the statutes;

2 relating to: creating an ambulance driver safety program in the Department

3 of Transportation, rules of the road applicable to the operation of ambulances,

4 and granting rule-making authority, and making an 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 ambulance operation standards, and base the ambulance driver safety course upon those standards. DOT must review and if necessary revise those standards

and establish a written examination and any other instruction or examination considered by DOT to be necessary.

biennially. DOT must establish a system of ^{biennial} recertification for ambulance drivers. Finally, the bill requires DOT to advise ambulance owners of the safety program and these new requirements for ambulance drivers.

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:

SECTION 1. 85.57 of the statutes is created to read:

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

(2) (a) The program under this section shall include providing ^{a safety course} training to operators of ambulances under s. 340.01 (3) (g) or (i). Training shall be consistent with the standards established under sub. (3) (a) ^{and shall meet the requirements established under sub. (3) (b).}

^{no fl} (b) ^{an ambulance driver safety} The department shall provide certification to each person who successfully ^{completes a course of training under par. (a) that consists of at least 4 training hours.}

This certification shall expire every ³ two years. A person whose certification has expired or is nearing expiration may be recertified as provided by rule under sub. (3)

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

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

(b) Establish a system for recertification of ambulance operators under sub. (2)

(b) Recertification shall require training relating to ambulance operation standards and driving techniques under par. (a).

INSERT ANALYSIS
INSERT ANALYSIS

INSERT 2-1

this subsection

a safety course

and shall meet the requirements established under sub. (3) (b).

no fl

an ambulance driver safety

completes a course of training under par. (a) that consists of at least 4 training hours.

3

Insert 2-17

period stays

INSERT 2-19

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).

INSERT 3-6 →

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

7 346.03 (1) The operator of an authorized emergency vehicle, when responding
8 to an emergency call or when in the pursuit of an actual or suspected violator of the
9 law or when responding to but not upon returning from a fire alarm, may exercise
10 the privileges set forth in this section, but subject to the conditions stated in subs.
11 (2) to (5) and (7).

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

INS X

13 346.03 (7) The privileges granted under this section apply to the operator of an
14 ambulance under s. 340.01 (3) (g) or (i) only if the operator of an ambulance holds a
15 current certification provided by the department for successfully completing an
16 ambulance driver safety course under s. 85.57 (2) (b).

INSERT 3-17 →

17 **SECTION 4. Initial applicability.**

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

20 **SECTION 5. Effective date.**

21 (1) This act takes effect on the first day of the 19th month beginning after
22 publication.

INSERT 3-21 →

23 (END)

D-NOTE

1 Insert Analysis 1

with , 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.

Insert Analysis 2

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.

2

3

4

5

Insert 2-1

6

7

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

8

20.395 (5) (rm) *Ambulance driver safety course administrator certification,*

9

state funds. All moneys received from fees under s. 85.57 (6) (b) for the purpose of

10

certifying 3rd-party ambulance driver safety course administrators under s. 85.57

11

(6) (a).

12

13

Insert 2-17

14

(b) Establish a minimum mandatory curriculum and establish required

15

components for the ambulance driver safety course under sub. (2) (a), which shall

16

include duration of the course, standards for a required written examination and any

1 other standards for instruction or examination considered necessary by the
2 department.

3
4 Insert 2-19

5 (no 9)

5 *The rules under this paragraph shall require that*
6 Ambulance operators seeking recertification must pass the written
7 examination established under par. (b) and must, at least once every 9 years after
8 the initial certification, retake the ambulance driver safety training course under sub. (2) (a) and pass any
9 examinations required for initial certification.

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

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

14 Insert 3-6

15 (6) (a) A driver school licensed under s. 343.61 or a technical college that offers
16 emergency vehicle operator courses, that has been certified by the department
17 pursuant to the rules promulgated under sub. (3) (d) may contract with the
18 department to administer an ambulance driver safety course under sub. (2) (a) and
19 certify to the department if an applicant for certification or recertification under sub. (2) (b) or

20 recertification under sub. (3) (c) has successfully completed the course. A 3rd-party
21 ambulance driver safety course administrator contracting with the department under this paragraph may also conduct written

22 examinations for recertification under sub. (3) (c). A contract with a 3rd-party
23 ambulance driver safety course administrator shall include all of the following
24 provisions:

as a
3rd-party
ambulance driver
safety course
administrator

as a 3rd-party ambulance
driver safety course
administrator

may be
and certified
or recertification

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

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

10 3. At least annually, the department shall conduct an on-site inspection of the
11 3rd-party administrator to determine compliance with the contract and with
12 department ^{certification requirements} standards for 3rd-party ambulance driver safety course administrators
13 under sub (3) (d).

14 (b) Driver schools and technical colleges seeking certification as 3rd-party
15 ambulance driver safety course administrators shall pay a certification fee to the
16 department in an amount established by the department. The fee for the 3rd-party
17 administrator certification under this paragraph may not exceed the actual cost of
18 reviewing and processing the application for certification. Fees collected under this
19 paragraph shall be credited to the appropriation ^{account} under s. 20.395 (5) (rm) (ru)

20 (a) (c) The department shall take prompt and appropriate remedial action against
21 the 3rd-party administrator in the event that the administrator fails to comply with
22 department standards for ambulance driver safety course administrators or any
23 provision of the contract under this subsection. Such action may include immediate
24 termination of any ambulance driver safety courses administered by the 3rd-party
25 administrator and recovery of damages

*incurred by the department as a result of the
3rd-party administrator's failure to comply with the standard
under this subsection or provisions of the contract under
this subsection*

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2758/1insCJS

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

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

History: 1983 a. 56; 1985 a. 82, 143; 1987 a. 126; 1995 a. 36; 1997 a. 88; 2007 a. 20.

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Insert 3-17

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(Also, this should be an autonumber not a hard number.)

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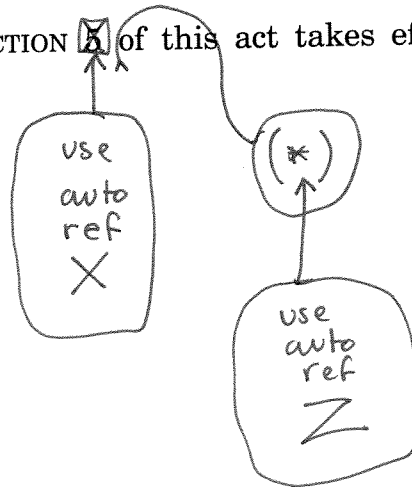
SECTION 2. Nonstatutory provisions.

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

Insert 3-21

SECTION 3. Effective dates. This act takes effect on the first day of the 19th month beginning after publication, except as follows:

(1) The treatment of SECTION ~~2~~ of this act takes effect on the day after publication.



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2758/1dn

BAB:cjs:jj

1
stays

ATTN: Patrick Singer

This draft does not provide for any funding for the Department of Transportation (DOT) to establish the ambulance driver safety program under created s. 85.57 and the costs of the program will therefore be absorbed within DOT's existing budget. Is this OK?

Brett A. Balinsky
Legislative Attorney
Phone: (608) 267-7380
E-mail: brett.balinsky@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2758/1dn
BAB:cjs:nwn

February 5, 2008

ATTN: Patrick Singer

This draft does not provide for any funding for the Department of Transportation (DOT) to establish the ambulance driver safety program under created s. 85.57 and the costs of the program will therefore be absorbed within DOT's existing budget. Is this OK?

Brett A. Balinsky
Legislative Attorney
Phone: (608) 267-7380
E-mail: brett.balinsky@legis.wisconsin.gov

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

2/5/08 T/C of Rep. Kim Hixon → wants a driving component to the course requirements



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2758/K

BAB:cjs:nwn

RMR

Stays

2007 BILL

IN 2/5/08

Need by 2/6/08

Regen 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 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

BILL

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

BILL

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,~~ *standards for a required ambulance driving skills test,* and
12 any other standards for instruction or examination considered necessary by the
13 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).

BILL

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).

BILL

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

BILL

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)

Basford, Sarah

From: Singer, Patrick

Sent: Friday, February 08, 2008 9:08 AM

To: LRB.Legal

Subject: Draft Review: LRB 07-2758/2 Topic: Training for ambulance drivers

Please Jacket LRB 07-2758/2 for the ASSEMBLY.

02/08/2008