

STATEMENT OF SCOPE

Department of Transportation

Rule No.: Ch. Trans 309

Relating to: Ambulance Inspection Standards

Rule Type: Emergency/Permanent

1. Finding/nature of emergency (Emergency Rule only):

Chapter Trans 309 subch. III describes requirements for ambulance equipment. Section 341.085, Stats., requires the Wisconsin Department of Transportation (WisDOT) to inspect all ambulances for the standards listed in ch. Trans 309, subch. III. Section Trans 309.25 repeals subch. III on July 15, 2023, or upon promulgation by the department of health services (DHS) of administrative rules establishing standards and inspection, whichever comes sooner. Currently, DHS does not have authority to promulgate rules establishing standards and inspections. WisDOT needs to commence emergency rulemaking to extend the repeal date in order to preserve ambulance safety and to protect the consumer, general public, and those travelling throughout Wisconsin.

2. Detailed description of the objective of the proposed rule:

Section 341.085, Stats., authorizes WisDOT to inspect all ambulances prior to issuing an original or renewal registration, and authorizes the adoption of rules necessary for the administration of the ambulance inspection program. It also authorizes the adoption of rules necessary to prescribe ambulance service equipment and standards. The proposed changes to ch. Trans 309 will modify the repeal date of subch. III and consider updated ambulance equipment standards to maintain industry standards, regulatory compliance, and technological changes to ensure the highest possible level of ambulance vehicle safety for the public that uses ambulance services in Wisconsin.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

WisDOT currently administers ambulance inspections for both the vehicles and equipment for all private, not-for-profit, and municipal ambulances. There are approximately 1200 ambulances in Wisconsin. WisDOT inspects every ambulance biennially.

A no-action alternative would effectively remove the medical equipment standards under ch. Trans 309, subch. III that WisDOT uses to inspect ambulance equipment. Chapter Trans 309, subchs. I and II would not be affected. If WisDOT does not commence this rulemaking, the department would no longer have authority to inspect necessary equipment come July 15, 2023.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

s. 341.085, Stats.: Registration of ambulances.

(1) The department shall inspect all ambulances prior to issuing an original or renewal registration to determine that the vehicles meet requirements specified by law or administrative rule as to specifications, medical equipment, supplies and sanitation.

(2) The department may adopt rules necessary for administration of this section and prescribe ambulance service equipment and standards therefor, except that any ambulance which does not conform to rules adopted by the department may be used until December 30, 1979.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

Approximately 80 hours.

6. List with description of all entities that may be affected by the proposed rule :

- The citizens of Wisconsin who rely on dependable, safe, and efficient emergency services transportation for both emergency and nonemergency medical transportation
- Wisconsin emergency medical services providers who are or may become licensed to operate ambulances
- DHS, who regulates and approves all Wisconsin emergency medical services providers
- Division of State Patrol, Ambulance Inspection Program
- Local and municipal governments in Wisconsin

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

The following regulations may be used or referenced:

- Federal KKK standards for ambulance inspections, or current.
- 49 CFR, federal motor carrier safety regulations
- 49 CFR part 571, federal motor vehicle safety standards.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have any economic impact on small businesses):

It is not anticipated that the rule changes will have more than a very modest impact, positive or negative, to the industry and department as a whole. The rule is expected to require some minimal expenses necessary for changing operational procedures or adding medical personnel or equipment.

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