

SECOND REGULAR SESSION

# SENATE BILL NO. 773

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RUPP.

Read 1st time January 23, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5427S.011

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## AN ACT

To repeal section 190.105, RSMo, and to enact in lieu thereof one new section relating to ground ambulance operators.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 190.105, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 190.105, to read as follows:

190.105. 1. No person, either as owner, agent or otherwise, shall furnish,  
2 operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be  
3 engaged in the business or service of the transportation of patients by ambulance  
4 in the air, upon the streets, alleys, or any public way or place of the state of  
5 Missouri unless such person holds a currently valid license from the department  
6 for an ambulance service issued pursuant to the provisions of sections 190.001 to  
7 190.245.

8 2. No ground ambulance shall be operated for ambulance purposes, and  
9 no individual shall drive, attend or permit it to be operated for such purposes in  
10 the state of Missouri unless the ground ambulance is under the immediate  
11 supervision and direction of a person who is holding a currently valid Missouri  
12 license as an emergency medical technician. Nothing in this section shall be  
13 construed to mean that a duly registered nurse or a duly licensed physician be  
14 required to hold an emergency medical technician's license. Each ambulance  
15 service is responsible for assuring that any person driving its ambulance is  
16 competent in emergency vehicle operations and has a safe driving record. Each  
17 ground ambulance shall be staffed with at least two licensed individuals when  
18 transporting a patient, except as provided in section 190.094. **In emergency**  
19 **situations which require additional medical personnel to assist the**  
20 **patient during transportation, a first responder, firefighter, or law**

21 **enforcement personnel with a valid drivers' license and prior**  
22 **experience with driving emergency vehicles may drive the ground**  
23 **ambulance provided the ground ambulance service stipulates to this**  
24 **practice in operational policies.**

25         3. No license shall be required for an ambulance service, or for the  
26 attendant of an ambulance, which:

27             (1) Is rendering assistance in the case of an emergency, major catastrophe  
28 or any other unforeseen event or series of events which jeopardizes the ability of  
29 the local ambulance service to promptly respond to emergencies; or

30             (2) Is operated from a location or headquarters outside of Missouri in  
31 order to transport patients who are picked up beyond the limits of Missouri to  
32 locations within or outside of Missouri, but no such outside ambulance shall be  
33 used to pick up patients within Missouri for transportation to locations within  
34 Missouri, except as provided in subdivision (1) of this subsection.

35         4. The issuance of a license pursuant to the provisions of sections 190.001  
36 to 190.245 shall not be construed so as to authorize any person to provide  
37 ambulance services or to operate any ambulances without a franchise in any city  
38 not within a county or in a political subdivision in any county with a population  
39 of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid  
40 agreement in any other political subdivision which has enacted an ordinance  
41 making it unlawful to do so.

42         5. Sections 190.001 to 190.245 shall not preclude the adoption of any law,  
43 ordinance or regulation not in conflict with such sections by any city not within  
44 a county, or at least as strict as such sections by any county, municipality or  
45 political subdivision except that no such regulations or ordinances shall be  
46 adopted by a political subdivision in a county with a population of over nine  
47 hundred thousand inhabitants except by the county's governing body.

48         6. In a county with a population of over nine hundred thousand  
49 inhabitants, the governing body of the county shall set the standards for all  
50 ambulance services which shall comply with subsection 5 of this section. All such  
51 ambulance services must be licensed by the department. The governing body of  
52 such county shall not prohibit a licensed ambulance service from operating in the  
53 county, as long as the ambulance service meets county standards.

54         7. An ambulance service or vehicle when operated for the purpose of  
55 transporting persons who are sick, injured, or otherwise incapacitated shall not  
56 be treated as a common or contract carrier under the jurisdiction of the Missouri

57 division of motor carrier and railroad safety.

58           8. Sections 190.001 to 190.245 shall not apply to, nor be construed to  
59 include, any motor vehicle used by an employer for the transportation of such  
60 employer's employees whose illness or injury occurs on private property, and not  
61 on a public highway or property, nor to any person operating such a motor  
62 vehicle.

63           9. A political subdivision that is authorized to operate a licensed  
64 ambulance service may establish, operate, maintain and manage its ambulance  
65 service, and select and contract with a licensed ambulance service. Any political  
66 subdivision may contract with a licensed ambulance service.

67           10. Except as provided in subsections 5 and 6, nothing in section 67.300,  
68 or subsection 2 of section 190.109, shall be construed to authorize any  
69 municipality or county which is located within an ambulance district or a fire  
70 protection district that is authorized to provide ambulance service to promulgate  
71 laws, ordinances or regulations related to the provision of ambulance  
72 services. This provision shall not apply to any municipality or county which  
73 operates an ambulance service established prior to August 28, 1998.

74           11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be  
75 construed to authorize any municipality or county which is located within an  
76 ambulance district or a fire protection district that is authorized to provide  
77 ambulance service to operate an ambulance service without a franchise in an  
78 ambulance district or a fire protection district that is authorized to provide  
79 ambulance service which has enacted an ordinance making it unlawful to do  
80 so. This provision shall not apply to any municipality or county which operates  
81 an ambulance service established prior to August 28, 1998.

82           12. No provider of ambulance service within the state of Missouri which  
83 is licensed by the department to provide such service shall discriminate regarding  
84 treatment or transportation of emergency patients on the basis of race, sex, age,  
85 color, religion, sexual preference, national origin, ancestry, handicap, medical  
86 condition or ability to pay.

87           13. No provision of this section, other than subsections 5, 6, 10 and 11 of  
88 this section, is intended to limit or supersede the powers given to ambulance  
89 districts pursuant to this chapter or to fire protection districts pursuant to  
90 chapter 321, or to counties, cities, towns and villages pursuant to chapter 67.

91           14. Upon the sale or transfer of any ground ambulance service ownership,  
92 the owner of such service shall notify the department of the change in ownership

93 within thirty days of such sale or transfer. After receipt of such notice, the  
94 department shall conduct an inspection of the ambulance service to verify  
95 compliance with the licensure standards of sections 190.001 to 190.245.

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Unofficial

Bill

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