

Senate Bill 58

By: Senators Albers of the 56th, Hufstetler of the 52nd, Kirkpatrick of the 32nd, Watson of the 1st, Kennedy of the 18th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to
2 emergency medical services, so as to provide for the licensing and operation of emergency
3 organ transport vehicles as ambulance services; to provide for license application; to provide
4 for insurance coverage requirements; to require compliance with rules and regulations of the
5 Department of Public Health by such vehicles; to exempt emergency organ transport vehicles
6 from requirements relative to the Emergency Medical Systems Communications (EMSC)
7 Program and a medical adviser; to provide for the operation of such vehicles on public
8 roadways; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor
9 vehicles and traffic, so as to exempt emergency organ transport vehicles from those vehicles
10 required to obtain an emergency vehicle permit from the Department of Public Safety; to
11 revise and provide for definitions; to provide for a short title; to provide for related matters;
12 to repeal conflicting laws; and for other purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

15 This Act shall be known and may be cited as the "Georgia Transporting Life-Saving Organs
16 and Personnel Act."

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SECTION 2.

Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services, is amended in Code Section 31-11-2, relating to definitions, by revising paragraph (4) and by adding a new paragraph to read as follows:

"(4) 'Ambulance service' means:

(A) The providing of emergency care and transportation on the public streets and highways of this state for a wounded, injured, sick, invalid, or incapacitated human being to or from a place where medical or hospital care is furnished;

(B) The provision of any air ambulance service; ~~or~~

(C) The provision of transportation services on the public streets and highways of this state for the transport of necessary personnel, organs, tissue, or medical supplies to a time-critical organ transplant procedure; or

(D) The provision of services specified in subparagraphs (A) and (B) of this paragraph."

"(9.1) 'Emergency organ transplant vehicle' means a motor vehicle that is intended to be used for the transport of necessary personnel, organs, tissue, or medical supplies to a time-critical organ transplant procedure."

SECTION 3.

Said chapter is further amended in Code Section 31-11-3, relating to recommendations by local coordinating entity as to administration of EMSC Program and hearing and appeal, by revising subsection (g) as follows:

"(g) This Code section shall not apply to air ambulances, ~~or~~ air ambulance services, or emergency organ transport vehicles."

SECTION 4.

Said chapter is further amended by revising Code Section 31-11-7, relating to exercise of emergency vehicle privileges by ambulance drivers, as follows:

"31-11-7.

(a) The driver of an ambulance on the public streets, highways, and private access roads of this state, when responding to an emergency call or while transporting a patient, is shall be authorized to operate the ambulance as an emergency vehicle pursuant to Code Section 40-6-6.

(b) The driver of an emergency organ transport vehicle on the public streets, highways, and private access roads of this state, when transporting necessary personnel, organs, tissue, or medical supplies to a time-critical organ transplant procedure, shall be authorized to operate the emergency organ transport vehicle as an emergency vehicle pursuant to Code Section 40-6-6."

SECTION 5.

Said chapter is further amended in Code Section 31-11-31, relating to application for license, by revising paragraphs (4.1) and (5) and by adding a new paragraph to read as follows:

~~"(4.1)(5)~~ A description or photograph of each air ambulance, including the color scheme, insignia, name, monogram, or other distinguishing characteristics, to be used to designate the applicant's air ambulance or air ambulances; ~~and~~

(6) A description or photograph of each emergency organ transport vehicle, including the make, model, year of manufacture, and motor and chassis number; and the color scheme, insignia, name, monogram, or other distinguishing characteristics, to be used to designate the applicant's emergency organ transport vehicle or emergency organ transport vehicles; and

~~(5)(7)~~ The location and description of the place or places from which the ambulance service is intended to operate."

SECTION 6.

Said chapter is further amended by revising Code Section 31-11-33, relating to insurance coverage as condition of licensing, as follows:

"31-11-33.

(a) Every ambulance and emergency organ transport vehicle operated on the streets, highways, and private access roads of this state by persons engaged in providing ambulance service shall have insurance coverage issued by an insurance company licensed to do business in this state providing at least the minimum coverage required for motor vehicles under Chapter 34 of Title 33; provided, however, that in the case of ambulances or emergency organ transport vehicles operated by the state, the coverage required shall be the same coverage required for other state vehicles under Chapter 9 of Title 45. Every air ambulance operated by persons engaged in providing air ambulance service in this state shall have insurance coverage as described in Code Section 33-7-9.

(b) No ambulance or emergency organ transport vehicle shall be licensed nor shall any license be renewed unless the ambulance or emergency organ transport vehicle has insurance coverage in force as required by this Code section. A certificate of insurance shall be submitted to the license officer for approval prior to the issuance or renewal of each ambulance license and emergency organ transport vehicle license. Satisfactory evidence that such insurance is at all times in force and effect shall be furnished to the license officer, in such form as he or she may specify, by all licensees required to provide such insurance under this Code section.

(c) This Code section shall apply to all ambulances and emergency organ transport vehicles, whether privately operated or operated by any political subdivision of the state or any municipality thereof.

(d) This Code section shall not apply to first responders, which do not transport patients, operated by municipalities or counties that have not elected to waive their governmental immunity by purchasing vehicle liability insurance pursuant to Code Section 33-24-51."

SECTION 7.

Said chapter is further amended by revising Code Section 31-11-34, relating to standards for ambulances, as follows:

"31-11-34.

Ambulances and emergency organ transport vehicles operated by persons engaged in providing ambulance service shall meet all standards as set forth in the department's rules and regulations."

SECTION 8.

Said chapter is further amended in Code Section 31-11-50, relating to medical adviser, by revising subsection (c) as follows:

"(c) This Code section shall not apply to any ambulance service which solely provides transportation for necessary personnel, organs, tissue, or medical supplies to a time-critical organ transplant procedure by emergency organ transport vehicles or any county having a population under 12,000 according to the United States decennial census of 1970 or any such future census."

SECTION 9.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in Code Section 40-1-1, relating to definitions, by revising paragraph (5) as follows:

"(5) 'Authorized emergency vehicle' means a motor vehicle belonging to a public utility corporation or operated by the Department of Transportation and designated as an emergency vehicle by the Department of Public Safety; a motor vehicle belonging to a fire department or a certified private vehicle belonging to a volunteer firefighter or a fire-fighting association, partnership, or corporation; an emergency organ transplant vehicle as such term is defined in Code Section 31-11-2; an ambulance; or a motor

118 vehicle belonging to a federal, state, or local law enforcement agency, provided such
119 vehicle is in use as an emergency vehicle by one authorized to use it for that purpose."

120 **SECTION 10.**

121 Said title is further amended in Code Section 40-8-92, relating to designation of emergency
122 vehicles, flashing or revolving lights, permits, fee, and use of flashing or revolving green
123 lights on public property, by revising subsection (a) as follows:

124 "(a) ~~The All emergency vehicles shall be designated as such by the~~ commissioner of public
125 safety shall be authorized to designate certain motor vehicles as emergency vehicles. The
126 commissioner of public safety shall so designate each vehicle by issuing to such vehicle
127 a permit to operate flashing or revolving emergency lights of the appropriate color. Such
128 permit shall be valid for five years from the date of issuance. Any and all officially marked
129 law enforcement vehicles as specified in Code Section 40-8-91 shall not be required to
130 have a permit for the use of a blue light. Any and all fire department vehicles which are
131 distinctly marked on each side shall not be required to have a permit for the use of a red
132 light. Any and all ~~ambulances~~ motor vehicles which are operated for ambulance services,
133 as defined in Code Section 31-11-2, licensed by this state under a valid license from the
134 Emergency Health Section of the Department of Public Health shall not be required to have
135 a permit for the use of a red light."

136 **SECTION 11.**

137 All laws and parts of laws in conflict with this Act are repealed.