

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

SENATE BILL NO. 773

97TH GENERAL ASSEMBLY

2014

5427S.01T

AN ACT

To repeal section 190.105, RSMo, and to enact in lieu thereof two new sections relating to emergency service providers.

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

Section A. Section 190.105, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 190.105 and 190.336, to read as
3 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.

**190.336. 1. Each member of an emergency services board
2 established pursuant to section 190.335 shall be subject to recall from
3 office by the registered voters of the election district from which he or
4 she was elected. Proceedings may be commenced for the recall of any
5 such member by the filing of a notice of intention to circulate a recall
6 petition under this section.**

**7 2. Proceedings may not be commenced against any member if, at
8 the time of commencement, such member:**

**9 (1) Has not held office during his or her current term for a
10 period of more than one hundred eighty days;**

**11 (2) Has one hundred eighty days or less remaining in his or her
12 term; or**

**13 (3) Has had a recall election determined in his or her favor
14 within the current term of office.**

**15 3. The notice of intention to circulate a recall petition shall be
16 served personally, or by certified mail, on the board member sought to
17 be recalled. A copy thereof shall be filed, along with an affidavit of the
18 time and manner of service, with the election authority, as defined in
19 chapter 115. A separate notice shall be filed for each board member
20 sought to be recalled and shall contain all of the following:**

21 (1) The name of the board member sought to be recalled;

**22 (2) A statement, not exceeding two hundred words in length, of
23 the reasons for the proposed recall; and**

**24 (3) The names and business or residential addresses of at least
25 one but not more than five proponents of the recall.**

**26 4. Within seven days after the filing of the notice of intention,
27 the board member may file with the election authority a statement, not
28 exceeding two hundred words in length, in answer to the statement of
29 the proponents. If an answer is filed, the board member shall also
30 serve a copy of it, personally or by certified mail, on one of the
31 proponents named in the notice of intention. The statement and
32 answer are intended solely to be used for the information of the voters.
33 No insufficiency in form or substance of such statements shall affect
34 the validity of the election proceedings.**

35 **5. Before any signature may be affixed to a recall petition, the**
36 **petition is required to bear all of the following:**

37 **(1) A request that an election be called to elect a successor to the**
38 **board member;**

39 **(2) A copy of the notice of intention, including the statement of**
40 **grounds for recall;**

41 **(3) The answer of the board member sought to be recalled, if any**
42 **exists. If the board member has not answered, the petition shall so**
43 **state; and**

44 **(4) A place for each signer to affix his or her signature, printed**
45 **name, and residential address, including any address in a city, town,**
46 **village, or unincorporated community.**

47 **6. Each section of the petition, when submitted to the election**
48 **authority, shall have attached to it an affidavit signed by the person**
49 **circulating such section, setting forth all of the following:**

50 **(1) The printed name of the affiant;**

51 **(2) The residential address of the affiant;**

52 **(3) That the affiant circulated that section and saw the appended**
53 **signatures be written;**

54 **(4) That according to the best information and belief of the**
55 **affiant, each signature is the genuine signature of the person whose**
56 **name it purports to be;**

57 **(5) That the affiant is a registered voter of the election district**
58 **of the board member sought to be recalled; and**

59 **(6) The dates between which all the signatures to the petition**
60 **were obtained.**

61 **7. A recall petition shall be filed with the election authority not**
62 **more than one hundred eighty days after the filing of the notice of**
63 **intention.**

64 **8. The number of qualified signatures required in order to recall**
65 **a board member shall be equal in number to at least twenty-five**
66 **percent of the number of voters who voted in the most recent**
67 **gubernatorial election in such election district.**

68 **9. Within twenty days from the filing of the recall petition the**
69 **election authority shall determine whether the petition was signed by**
70 **the required number of qualified signatures. The election authority**
71 **shall file with the petition a certificate showing the results of the**

72 examination. The election authority shall give the proponents a copy
73 of the certificate upon their request.

74 10. If the election authority certifies the petition to be
75 insufficient, it may be supplemented within ten days of the date of
76 certification by filing additional petition sections containing all of the
77 information required by this section. Within ten days after the
78 supplemental copies are filed, the election authority shall file with
79 them a certificate stating whether or not the petition as supplemented
80 is sufficient.

81 11. If the certificate shows that the petition as supplemented is
82 insufficient, no action shall be taken on it; however, the petition shall
83 remain on file.

84 12. If the election authority finds the signatures on the petition,
85 together with the supplementary petition sections, if any, to be
86 sufficient, it shall submit its certificate as to the sufficiency of the
87 petition to the emergency services board prior to its next meeting. The
88 certificate shall contain:

- 89 (1) The name of the member whose recall is sought;
- 90 (2) The number of signatures required by law;
- 91 (3) The total number of signatures on the petition; and
- 92 (4) The number of valid signatures on the petition.

93 13. Following the emergency services board's receipt of the
94 certificate, the election authority shall order an election to be held on
95 one of the election days specified in section 115.123. The election shall
96 be held not less than forty-five days but not more than one hundred
97 twenty days from the date the emergency services board receives the
98 petition. Nominations for board membership openings under this
99 section shall be made by filing a statement of candidacy with the
100 election authority.

101 14. At any time prior to forty-two days before the election, the
102 member sought to be recalled may offer his or her resignation. If his
103 or her resignation is offered, the recall question shall be removed from
104 the ballot and the office declared vacant. The member who resigned
105 shall not fill the vacancy, which shall be filled as otherwise provided
106 by law.

107 15. The provisions of chapter 115 governing the conduct of
108 elections shall apply, where appropriate, to recall elections held under

109 **this section. The costs of the election shall be paid as provided in**
110 **chapter 115.**

✓

Unofficial

Bill

Copy