

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2119

By Committee on Local Government

1-27

1 AN ACT concerning ~~emergency medical services; relating to~~ **[political**
2 **subdivisions; relating to]** accident response service fees; ~~amending~~
3 ~~K.S.A. 80-1557 and repealing the existing section~~; **relating to**
4 **marking of vehicles; amending K.S.A. 8-305 and repealing the**
5 **existing section**.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. ~~K.S.A. 80-1557 is hereby amended to read as follows:~~
9 ~~80-1557. (a) As used in this section:~~

10 (1) ~~"Reseue service" means a service which provides emergency~~
11 ~~care by qualified personnel through a township or fire district fire~~
12 ~~department.~~

13 (2) ~~"Emergency care" means the services provided after the onset~~
14 ~~of a medical condition manifesting itself by acute symptoms of~~
15 ~~sufficient severity such that the absence of immediate medical attention~~
16 ~~could reasonably be expected to: (A) Place the patient's health in~~
17 ~~serious jeopardy; (B) seriously impair bodily functions; or (C) result in~~
18 ~~serious dysfunction of any bodily organ or part.~~

19 (3) ~~"Qualified personnel" means any individual who holds a~~
20 ~~certificate as an attendant as defined in K.S.A. 65-6112, and~~
21 ~~amendments thereto.~~

22 (4) ~~"Township" means any township which has established a fire~~
23 ~~department pursuant to K.S.A. 80-1901 et seq., and amendments~~
24 ~~thereto.~~

25 (5) ~~"Fire district" means any fire district which has established a~~
26 ~~fire department pursuant to K.S.A. 80-1540 et seq., and amendments~~
27 ~~thereto.~~

28 (b) ~~The township board or governing body of the fire district may~~
29 ~~authorize the township or fire district fire department to provide reseue~~
30 ~~service as a township or fire district function, within or without the~~
31 ~~township or fire district, or may contract with any person or~~

1 ~~governmental entity for the furnishing of rescue service and upon such~~
2 ~~terms and conditions, and for such compensation as may be agreed~~
3 ~~upon which shall be payable from the township general fund or the fire~~
4 ~~fund or the fire district fund.~~

5 ~~(c) The township board or governing body of the fire district may~~
6 ~~establish charges to persons receiving rescue service inside or outside~~
7 ~~of such township or fire district. Rescue service shall not include an~~
8 ~~accident response service fee. As used in this subsection, the term~~
9 ~~"accident response service fee" means any fee imposed on the driver or~~
10 ~~owner of a motor vehicle, an insurance company or any other person,~~
11 ~~for the response to or investigation of a motor vehicle accident, but~~
12 ~~does not include the usual and customary charges for providing~~
13 ~~ambulance and emergency services when immediate action is required~~
14 ~~to save life, prevent suffering or disability or to protect and save~~
15 ~~property. The charges so made and received shall be deposited in the~~
16 ~~general funds of the township or fire district, and the same may be used~~
17 ~~in addition to funds received under the tax levies authorized by K.S.A.~~
18 ~~80-1546 and 80-1903, and amendments thereto.~~

19 ~~(d) Qualified personnel providing rescue service shall be~~
20 ~~compensated in the same manner as other fire department employees~~
21 ~~and volunteers as provided by K.S.A. 80-1544 and 80-1904, and~~
22 ~~amendments thereto.~~

23 ~~Sec. 2.—K.S.A.80-1557 is hereby repealed.~~

24 **[New] Section 1. (a) As used in this section:**

25 **(1) "Municipality" means a city, county, township, fire district**
26 **or any other political and taxing subdivisions in this state.**

27 **(2) "Accident response service fee" means any fee imposed on**
28 **the driver or owner of a motor vehicle, an insurance company or**
29 **any other person, for the response to or investigation of a motor**
30 **vehicle accident, but does not include the usual and customary**
31 **charges for providing ambulance and emergency services when**
32 **immediate action is required to save life, prevent suffering or**
33 **disability or to protect and save property.**

34 **(3) "Emergency services" includes the police, fire and**
35 **emergency medical service personnel and equipment deemed**
36 **appropriate by the municipality to address reasonably anticipated**
37 **needs including, but not limited to, unknown number of injured**
38 **persons and possible environmental and health threats.**

39 **(b) No municipality shall charge an accident response fee to**

1 persons receiving emergency services inside or outside of such
2 municipality, except for actual costs of a motor vehicle accident
3 involving hazardous materials or requiring extraordinary
4 emergency services.

5 [Sec. 2. K.S.A. 8-305 is hereby amended to read as follows: 8-
6 305. All motor vehicles owned or leased by any political subdivision
7 of the state of Kansas shall bear the name of the political
8 subdivision owning or leasing such vehicle plainly printed on both
9 sides thereof. This act shall not apply to the following:

- 10 (a) Municipal fire apparatus, police patrols and ambulances;
11 (b) passenger vehicles used by plain clothes police officers,
12 county or district attorney investigators or community corrections
13 personnel working in the employ of any political subdivision; and
14 (c) motor vehicles owned or leased by any municipal
15 university.]

16 [Sec. 3. K.S.A. 8-305 is hereby repealed.]

17 Sec. ~~3-2~~ [4.] This act shall take effect and be in force from and
18 after its publication in the statute book.

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