

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 accident
2 response service fees; amending K.S.A. 80-1557 and repealing the
3 existing section.

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

6 Section 1. ~~K.S.A. 80-1557 is hereby amended to read as follows:~~
7 ~~80-1557. (a) As used in this section:~~

8 (1) ~~"Rescue service" means a service which provides emergency~~
9 ~~care by qualified personnel through a township or fire district fire~~
10 ~~department.~~

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

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

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

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

26 (b) ~~The township board or governing body of the fire district may~~
27 ~~authorize the township or fire district fire department to provide rescue~~
28 ~~service as a township or fire district function, within or without the~~
29 ~~township or fire district, or may contract with any person or~~
30 ~~governmental entity for the furnishing of rescue service and upon such~~
31 ~~terms and conditions, and for such compensation as may be agreed~~
32 ~~upon which shall be payable from the township general fund or the fire~~
33 ~~fund or the fire district fund.~~

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

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

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

20 **Section 1. (a) As used in this section:**

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

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

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

35 **(b) No municipality shall charge an accident response fee to**
36 **persons receiving emergency services inside or outside of such**
37 **municipality, except for actual costs of a motor vehicle accident**
38 **involving hazardous materials or requiring extraordinary**
39 **emergency services.**

1 Sec. ~~3~~. **2.** This act shall take effect and be in force from and after
2 its publication in the statute book.
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