

[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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