

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

INTERIM STUDY PROPOSAL 2009-156

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 1003

By: Representative King

Filed with: House Interim Committee on Public Health, Welfare and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO PROVIDE FOR THE INCLUSION OF
PHYSICIANS, NURSES, AND OTHER MEDICAL PERSONNEL
IN THAT CLASSIFICATION OF MEDICAL PERSONNEL WHO
CAN USE EMERGENCY FLASHING LIGHTS ON THEIR
VEHICLES IN EMERGENCY SITUATIONS; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT TO PROVIDE FOR THE INCLUSION OF
PHYSICIANS, NURSES, AND OTHER MEDICAL
PERSONNEL IN THAT CLASSIFICATION OF
MEDICAL PERSONNEL WHO CAN USE EMERGENCY
FLASHING LIGHTS ON THEIR VEHICLES IN
EMERGENCY SITUATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-13-202, concerning emergency physicians
or nurses, is amended to read as follows:

20-13-202. Definitions.

As used in this subchapter:

(1) "Air ambulance" means an aircraft, fixed or rotary wing, utilized
for on-scene responses or transports deemed necessary by a physician and
licensed by the Division of Health of the Department of Health and Human



1 Services;

2 (2) "Air ambulance services" means those services authorized and
3 licensed by the division to provide care and air transportation of patients;

4 (3) "Ambulance" means a vehicle used for transporting any person by
5 stretcher or gurney upon the streets or highways of Arkansas, excluding
6 vehicles intended solely for personal use by immediate family members;

7 (4) "Ambulance services" means those services authorized and licensed
8 by the division to provide care and transportation of patients upon the
9 streets and highways of Arkansas;

10 (5) "Board" means the State Board of Health;

11 (6) "Certification" means official acknowledgment by the division that
12 an individual has demonstrated competence to perform the emergency medical
13 services required for certification, as provided in the rules, regulations,
14 and standards adopted by the board upon recommendation by the Emergency
15 Medical Services Advisory Council;

16 (7) "Council" means the Emergency Medical Services Advisory Council;

17 (8) "Division" means the Division of Health of the Department of
18 Health and Human Services;

19 (9) "Emergency medical services" means:

20 (A) The transportation and medical care provided the ill or
21 injured prior to arrival at a medical facility by a certified emergency
22 medical technician or other health care provider; and

23 (B) Continuation of the initial emergency care within a medical
24 facility subject to the approval of the medical staff and governing board of
25 that facility;

26 (10) "Emergency medical technician" means an individual certified by
27 the ~~division~~ department at any level established by the rules and regulations
28 promulgated by the board, as authorized in this subchapter, and authorized to
29 perform those services set forth therein. These shall include, but not be
30 limited to: "EMT", "EMT-A", "EMT-Instructor", "EMT-Paramedic", and "EMS-
31 Communications"; ~~and~~

32 (11) "Emergency physician or emergency nurse" means a physician
33 currently licensed by the Arkansas State Medical Board or a nurse currently
34 licensed by the Arkansas State Board of Nursing; and

35 ~~(11)~~(12) "Medical facility" means any hospital, medical clinic,
36 physician's office, nursing home, or other health care facility.

1
2 SECTION 2. Arkansas Code § 27-36-304(b), concerning emergency lights,
3 is amended to read as follows:

4 (b) Emergency medical technicians certified by the Department of
5 Health and an emergency physician or emergency nurse as defined in § 20-13-
6 202(11) may install, maintain, and exhibit red rotating or flashing emergency
7 lights upon a vehicle when responding to an emergency.

8
9 SECTION 3. Arkansas Code Title 27-49-219(d)(1), concerning emergency
10 vehicles, is amended to read as follows:

11 (d)(1) "Authorized emergency vehicle" means authorized emergency
12 vehicles which shall include:

13 (A) Motor vehicles used by state, county, or city and
14 municipal police agencies, all of which shall be equipped with:

15 (i) Blue; or

16 (ii) Blue, red, or white rotating or flashing
17 emergency lights;

18 (B) Motor vehicles used by state, county, city, or
19 municipal fire departments, motor vehicles owned and used by volunteer fire
20 fighters while engaged in official duties, motor vehicles used by emergency
21 medical technicians certified by the Department of Health or privately owned
22 fire departments, and ambulances used solely for ambulance purposes which are
23 approved as ambulances in accordance with state and federal highway safety
24 standards, all of which shall be equipped with red rotating or flashing
25 emergency lights. Flashing emergency lights shall be used by volunteer fire
26 fighters solely while engaged in the performance of duties as volunteer fire
27 fighters and by emergency medical technicians solely while engaged in the
28 performance of duties with an ambulance service licensed by the department or
29 an organized rescue squad or team;

30 (C) Motor vehicles owned by state, county, and municipal
31 agencies whose use is determined by the state agency to be required for
32 dangerous or hazardous services and motor vehicles owned by public service
33 corporations or private individuals whose use is determined by the
34 Commissioner of Motor Vehicles, in accordance with regulations established by
35 the commissioner to prevent abuses thereof, to be for extra hazardous
36 service, may be equipped with amber flashing or rotating emergency or warning

1 lights which shall not qualify them as emergency vehicles, but which shall,
2 during hazardous uses thereof, display their amber flashing or rotating
3 emergency or warning lights in order that other motorists and the public may
4 be aware of the special or hazardous use of the vehicles and shall exercise
5 caution in approaching the vehicles at all times while the amber flashing or
6 rotating emergency or warning lights are in operation. All hazardous service
7 vehicles shall conform to regular traffic signals and speed limits during
8 their operation; and

9 (D)(i) Motor vehicles utilized as wreckers or tow vehicles
10 permitted or licensed under § 27-50-1203 may be equipped with amber flashing
11 or rotating emergency or warning lights that shall not qualify them as
12 emergency vehicles, but which shall, only during hazardous uses thereof,
13 display their amber flashing or rotating emergency or warning lights in order
14 that other motorists and the public may be aware of the special or hazardous
15 use of the wreckers or tow vehicles and exercise caution in approaching the
16 wreckers or tow vehicles at all times while the amber flashing or rotating
17 emergency or warning lights are in operation. Unless otherwise directed by a
18 law enforcement officer, a wrecker or tow vehicle shall conform to regular
19 signals and speed limits during its operation. In addition to amber flashing
20 or rotating emergency or warning lights, wreckers or tow vehicles that
21 respond to highway emergencies may be equipped with red flashing or rotating
22 emergency or warning lights.

23 (ii) Red flashing or rotating emergency or warning
24 lights on a wrecker or tow vehicle shall be operated only while the wrecker
25 or tow vehicle is stopped on or within ten feet (10') of a public way and
26 engaged in recovery or loading and hooking up an abandoned, an unattended, a
27 disabled, or a wrecked vehicle. A wrecker or tow vehicle shall not operate
28 forward-facing red flashing or rotating emergency or warning lights while
29 underway, except as may be expressly authorized or required by law otherwise.

30 (2) It shall be unlawful to install, operate, or use any
31 rotating or flashing light on any motor vehicle except as authorized in this
32 subsection.

33 (E) As set out in § 27-36-304(b), a motor vehicle used or
34 owned by a physician currently licensed by the Arkansas State Medical Board
35 and a motor vehicle used or owned by a nurse currently licensed by the
36 Arkansas State Board of Nursing may be equipped with red rotating or flashing

1 emergencights to be used while en route to an emergency situation.

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

36 Filed Date: 04/09/2009 By: BPG\VJF