

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1114  
Committee Substitute Favorable 6/10/99

Short Title: Enhancing Emergency Medical Services.

(Public)

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Sponsors:

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Referred to:

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April 15, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING CITIES TO PROVIDE AMBULANCE SERVICE  
3 WITHOUT OBTAINING APPROVAL FROM COUNTIES.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 153A-250 reads as rewritten:

6 "**§ 153A-250. Ambulance services.**

7 (a) A county may by ordinance franchise ambulance services provided in the  
8 county to the public at large, whether the service is based inside or outside the county.

9 The ordinance may:

- 10 (1) Grant franchises to ambulance operators on terms set by the board of  
11 commissioners;
- 12 (2) Make it unlawful to provide ambulance services or to operate an  
13 ambulance in the county without such a franchise;
- 14 (3) Limit the number of ambulances that may be operated within the  
15 county;
- 16 (4) Limit the number of ambulances that may be operated by each  
17 franchised operator;
- 18 (5) Determine the areas of the county that may be served by each franchised  
19 operator;

- 1 (6) Establish and from time to time revise a schedule of rates, fees, and  
2 charges that may be charged by franchised operators;
- 3 (7) Set minimum limits of liability insurance for each franchised operator;
- 4 (8) Establish other necessary regulations consistent with and supplementary  
5 to any statute or any Department of Health and Human Services  
6 regulation relating to ambulance services.

7 Before it may adopt an ordinance pursuant to this subsection, the board of  
8 commissioners must first hold a public hearing on the need for ambulance services. The  
9 board shall cause notice of the hearing to be published once a week for two successive  
10 weeks before the hearing. After the hearing the board may adopt an ordinance if it finds  
11 that to do so is necessary to assure the provision of adequate and continuing ambulance  
12 service and to preserve, protect, and promote the public health, safety, and welfare.

13 If a person, firm, or corporation is providing ambulance services in a county or any  
14 portion thereof on the effective date of an ordinance adopted pursuant to this subsection,  
15 the person, firm, or corporation is entitled to a franchise to continue to serve that part of  
16 the county in which the service is being provided. The board of commissioners shall  
17 determine whether the person, firm, or corporation so entitled to a franchise is in  
18 compliance with ~~Chapter 130, Article 26;~~ Article 7 of Chapter 131E of the General Statutes;  
19 and if that is the case, the board shall grant the franchise.

20 (b) In lieu of or in addition to adopting an ordinance pursuant to subsection (a) of  
21 this section, a county may operate or contract for ambulance services in all or a portion of  
22 the county. A county may appropriate for ambulance services any revenues not otherwise  
23 limited as to use by law, and may establish and from time to time revise schedules of  
24 rates, fees, charges, and penalties for the ambulance services. A county may operate its  
25 ambulance services as a line department or may create an ambulance commission and  
26 vest in it authority to operate the ambulance services.

27 (c) A city may adopt an ordinance pursuant to and under the procedures of  
28 subsection (a) of this section and may operate or contract for ambulance services ~~pursuant~~  
29 ~~to subsection (b) of this section if (i) the county in which the city is located has adopted a~~  
30 ~~resolution authorizing the city to do so or (ii) the county has not, within 180 days after being~~  
31 ~~requested by the city to do so, provided for ambulance services within the city pursuant to this~~  
32 ~~section.~~ if the city can demonstrate to the satisfaction of the Office of Emergency Medical  
33 Services in the Department of Health and Human Services that the ambulance services  
34 will result in an enhancement of public safety standards for the community and generally  
35 prevent the erosion of the quality of emergency care, a reduction in ambulance response  
36 time, an increase in the number of paramedics available, or an improvement in the  
37 manner and scope of emergency ambulance services. Any action taken by a city pursuant  
38 to this subsection shall apply only within the corporate limits of the city.

39 If a city is exercising a power granted by this subsection, ~~the county in which the city~~  
40 ~~is located may thereafter take action to provide for ambulance service within the city,~~  
41 ~~either under subsection (a) or subsection (b) of this section, only after having given to the~~  
42 ~~city 180 days' notice of the county's intention to take action. At the end of the 180 days,~~  
43 ~~the city's authority under this subsection is preempted by the county.~~ the city may

1 appropriate for ambulance services any revenues not otherwise limited as to use by law  
2 and may establish and from time to time revise schedules of rates, fees, charges, and  
3 penalties for ambulance services.

4 (d) A county or a city may contract with a franchised ambulance operator or with  
5 another county or city for ambulance service to be provided upon the call of a department  
6 or agency of the county or city. A county may contract with a franchised ambulance  
7 operator for transportation of indigents or persons certified by the county department of  
8 social services to be public assistance recipients.

9 (e) Each county or city operating ambulance services is subject to the provisions  
10 of ~~Chapter 130, Article 26 ('Regulation of Ambulance Services')~~ Article 7 of Chapter 131E of  
11 the General Statutes."

12 Section 2. This act is effective when it becomes law.