

HOUSE BILL REPORT

SHB 1271

As Passed House:

March 3, 2023

Title: An act relating to organ transport vehicles.

Brief Description: Concerning organ transport vehicles.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Low, Eslick, Bronoske, Hackney, Goehner, Hutchins, Berry, Reed, Christian and Schmidt).

Brief History:

Committee Activity:

Transportation: 1/25/23, 2/2/23 [DPS].

Floor Activity:

Passed House: 3/3/23, 95-0.

Brief Summary of Substitute Bill

- Requires the Department of Health, in consultation with the Department of Licensing, to license vehicles designated as organ transport vehicles for a period of two years, subject to renewal and revocation.
- Mandates that organ transport vehicles be equipped with at least one lamp capable of displaying a red light and a siren capable of giving an audible signal.
- Permits organ transport vehicles to have installed and make use of signal preemption devices when a vehicle is transporting a time-urgent organ.
- Authorizes the Washington State Department of Transportation to allow organ transport vehicles to use high-occupancy vehicle lanes.
- Mandates that drivers of organ transport vehicles have a minimum of five years of experience operating a police, fire department, or emergency medical services vehicle under emergency conditions.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

- Requires organ transport services to maintain prescribed minimum levels of commercial general liability, automobile liability, and umbrella insurance coverage.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry, Bronoske, Chapman, Cortes, Dent, Doglio, Duerr, Entenman, Goehner, Griffey, Hackney, Klicker, Mena, Orcutt, Ramel, Ramos, Schmidt, Taylor, Volz, Walsh and Wylie.

Staff: Jennifer Harris (786-7143).

Background:

Department of Health Vehicle Licensing.

The Department of Health (DOH) licenses vehicles designated as ambulances and aid vehicles. Ambulance services and aid services may not operate in the state without holding a license issued by the DOH, subject to certain exceptions. The license issued by the DOH is valid for two years and may be renewed if the vehicle and its equipment meet the DOH requirements or may be revoked if the service is found in violation of them. The license is automatically terminated if the vehicle is sold or transferred to the control of any organization not currently licensed as an ambulance or aid vehicle service. The license number must be prominently displayed on each vehicle.

The DOH must prescribe minimum requirements for ambulance, air ambulance, and aid vehicles and equipment related to medical care. The DOH is required to maintain a self-inspection program to ensure compliance with minimum medical care-related standards for vehicles and for medical equipment and personnel on all licensed vehicles. The self-inspection must coincide with the vehicle licensing cycle and must be recorded on forms provided by the DOH. The DOH may perform an on-site inspection of any licensed service or vehicle as needed.

Authorized Emergency Vehicle Signal and Siren Equipment.

Authorized emergency vehicles are required to be equipped with at least one lamp capable of displaying a red light visible from at least 500 feet in normal sunlight and a siren capable of giving an audible signal. The use of this signal equipment imposes upon drivers of other vehicles the obligation to yield right-of-way and stop on the right-hand edge or curb of the roadway until the vehicle has passed.

Authorized emergency vehicles may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of at least 500 feet and that meets Washington State Patrol (WSP) regulations. The siren may only be used when the vehicle is operated in response to an emergency call, or in the immediate pursuit of an actual or suspected violator of law when reasonably necessary to warn pedestrians and other drivers of its approach.

Signal Preemption Device Use.

A "signal preemption device" is a device capable of altering the normal operation of a traffic control signal. The following vehicles may have installed and make use of signal preemption devices in qualifying circumstances: (1) emergency vehicles authorized by the WSP; (2) publicly owned law enforcement or emergency vehicles; (3) Washington State Department of Transportation (WSDOT), (4) city, or county maintenance vehicles; and (5) public transit vehicles.

High-Occupancy Vehicle Lane Use.

The WSDOT and local authorities are authorized to designate any portion of a highway under their respective jurisdictions for the exclusive or preferential use of:

- public transportation vehicles;
- motorcycles;
- private motor vehicles carrying a specified minimum number of passengers; and
- certain categories of private transportation provider vehicles if the vehicle has a carrying capacity of at least eight passengers.

The portion of highways with these restricted usage rules are known as high-occupancy vehicle (HOV) lanes. The WSDOT and local authorities have the ability to specify certain times of days or certain specified days during which the HOV restrictions are in effect. The WSDOT and local authorities are also authorized to prohibit the use of an HOV lane by private transportation provider vehicles when the average transit speed in the HOV lane fails to meet United States Department of Transportation standards (falling below 45 miles per hour at least 90 percent of the time during peak hours).

Under current state administrative rule, the following motor vehicles are authorized to use the HOV lanes on interstate highways, state highways, and ramps:

- municipal transit vehicles;
- buses with a carrying capacity of 16 or more people;
- motorcycles;
- all vehicles meeting specified HOV-lane occupancy requirements (except for trucks with a maximum operating weight rating greater than 10,000 pounds); and
- officially marked law enforcement and fire department vehicles equipped with emergency lights and sirens that are operated by on-duty WSP or local law enforcement or local or special district fire department personnel.

Federal law applies to federal-aid highways and requires that HOV lanes be restricted for the use of vehicles with no fewer than two occupants per vehicle, subject to certain exceptions. A public authority has jurisdiction over the operation of an HOV facility and may establish occupancy requirements of vehicles operating on the facility, so long as it complies with federal occupancy and usage restrictions.

Under federal law, exceptions are granted to the following vehicles, subject to a public authority authorizing their use on an HOV facility within its jurisdiction:

- public transportation vehicles;
- motorcycles and bicycles;
- over-the-road buses serving the public;
- high-occupancy toll vehicles; and
- low emission and energy-efficient vehicles.

While the state is not mandated to comply with federal HOV-lane requirements, if the Federal Highway Administration (FHWA) were to find a state to be out of compliance with its HOV-lane requirements, the FHWA could withhold payment of federal funds to the state.

Summary of Substitute Bill:

Organ Transport Vehicle Licensing.

The DOH must license vehicles designated as organ transport vehicles for a period of two years, subject to renewal and revocation, and is required to prescribe minimum requirements for organ transport vehicles. The DOH is required to consult with the Department of Licensing (DOL) regarding the issuance of vehicle licenses for organ transport vehicles, and must establish license and renewal fees for organ transport vehicles. The DOH and the DOL must jointly adopt rules to implement the regulation of organ transport vehicles. The license must be renewed on request provided the holder has consistently complied with DOH and DOL regulations and that the needs of the area served are satisfactorily being met.

An "organ transport vehicle" is defined as any vehicle operated or contracted by an organ procurement organization that is clearly and identifiably marked as an organ transport vehicle on all sides of the vehicle. "Organ transport services" means an organization that operates one or more organ transport vehicles.

Organ Transport Vehicle Equipment and Road Usage.

Organ transport vehicles must be equipped with at least one lamp capable of displaying a red light visible from at least 500 feet in normal sunlight and a siren capable of giving an audible signal. Organ transport vehicles may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of at least 500 feet and meets WSP regulations. The siren may only be used when the vehicle is transporting a time-urgent organ when it is reasonably necessary to warn pedestrians and

other drivers of its approach.

The use of this signal equipment imposes upon drivers of other vehicles the obligation to yield right-of-way and stop on the right-hand edge or curb of the roadway until the vehicle has passed. To the greatest extent practicable, organ procurement organizations must notify the WSP when an organ transport vehicle is operating with audible and visual signals in use.

Organ transport vehicles may have installed and make use of signal preemption devices when a vehicle is transporting a time-urgent organ.

Organ transport vehicles transporting a time-urgent organ or a time-sensitive organ or tissue donor may be permitted to use HOV lanes by WSDOT and other highway authorities in the state.

A "time sensitive organ or tissue donor" is an organ being transported for human transplant or a tissue donor being transported for recovery that is time-sensitive, but not an emergency. A "time urgent organ" is an organ being transported for human transplant that a member of the transplant team or a representative of the organ procurement organization declares an emergency.

Requirements for the Operation of Organ Transport Vehicles.

Organ transport services must ensure that personnel operating organ transport vehicles:

- are at least 25 years old;
- are a current, former, or retired police officer, fire fighter, or emergency medical services (EMS) provider;
- have a minimum of five years' experience operating a police, fire department, or EMS vehicle under emergency conditions;
- pass a pre-employment driver's license check and annual license reviews by having no more than one moving violation in the prior three years;
- pass a pre-employment drug screen and random drug screening after being hired;
- pass state and national criminal background checks; and
- have completed an emergency vehicle operator's and a defensive driving course.

An organ transport vehicle driver is not considered employment as an EMS provider and does not add to the scope of practice for an EMS provider.

An organ transport service must meet the following minimum insurance coverage requirements:

1. \$5 million per claim and \$10 million aggregated in coverage for commercial general liability insurance;
2. \$5 million in coverage for automobile liability insurance coverage; and
3. \$2 million in coverage for an umbrella insurance policy.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Every resident of the state would want a life-saving organ transported to their loved one as quickly as possible. Organs are only viable for a certain amount of time. There is no time for traffic delays when an organ needs to quickly get from the hospital to the airport, but currently transportation providers often get stuck in traffic heading to the airport. Organ supply is not meeting demands, and patients on organ transplant lists die while waiting for organs.

Federal policy has changed, mandating the sharing of organs across greater distances. Emergency medical service vehicles are typically used for the transportation of time-sensitive, life-saving organs in the region, but EMS providers are stretched thin and organ transportation is not their highest priority. This bill proposes a solution: for dedicated vehicles to be used with vehicles driven by highly experienced law enforcement officers, fire fighters, and EMS drivers.

This bill would help minimize traffic interference in cases where air travel is necessary, so that organs can be transported in a safe and timely manner.

(Opposed) None.

Persons Testifying: Representative Sam Low, prime sponsor; Jessica Hostetler; Scott Demczyszyn, Nationwide Organ Transport Alliance; and Dominic Adorno, LifeCenter Northwest.

Persons Signed In To Testify But Not Testifying: None.