

SENATE BILL REPORT

SB 5177

As Reported by Senate Committee On:
Transportation, February 9, 2023

Title: An act relating to organ transport vehicles.

Brief Description: Concerning organ transport vehicles.

Sponsors: Senators Mullet, Lovick and Wagoner.

Brief History:

Committee Activity: Transportation: 1/24/23, 2/09/23 [DPS-WM].

Brief Summary of First Substitute Bill

- Creates an organ transport vehicle classification licensed by the Department of Health that can use lights, sirens, and signal preemption devices for transporting an emergency organ.
- Authorizes the Washington State Department of Transportation and local governments to allow organ transport vehicles into their high-occupancy vehicle lanes under certain circumstances.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5177 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Lias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland, Fortunato, Hawkins, Kauffman, Lovelett, MacEwen, Nobles, Padden, Randall, Valdez, Wilson, C. and Wilson, J..

Staff: Daniel Masterson (786-7454)

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.

Background: Emergency Vehicles. Authorized emergency vehicles include vehicles of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington State Patrol (WSP), ambulance service, and any other vehicle authorized by WSP. Authorized emergency vehicles must be equipped with a siren audible from, and at least one red light visible from, at least 500 feet away. When responding to an emergency, authorized emergency vehicles are allowed to use signal preemption devices to allow the emergency vehicle the right-of-way. They may also break some traffic laws, including proceeding past a stop sign, exceeding speed limits, and disregarding regulations governing direction of movement, among others.

WSP may issue one-year renewable authorized emergency vehicle permits for additional types of vehicles not listed in the statute. WSP requires the applicant to submit vehicle registration and proof of insurance; descriptions of the emergency purpose and statutory authority; description of the emergency equipment to be used; operator personal information; and certification from the chief law enforcement officer of each primary jurisdiction the vehicle is to be used in, subject to that officer's restrictions. The applicant must also get its equipment inspected by WSP, and maintain a log of each time they use the emergency vehicle.

High-Occupancy Vehicle Lane Policy. The Washington State Department of Transportation (DOT) and local authorities are allowed to reserve portions of the highway under their jurisdiction as high occupancy vehicle (HOV) lanes for the following users:

- public transportation vehicles;
- motorcycles;
- private motor vehicles carrying a minimum of a specified number of passengers; and
- certain private transportation provider vehicles with the capacity to carry eight or more passengers if such use does not interfere with the efficiency, reliability, and safety of public transportation operations.

DOT's administrative code currently allows all of the possible exemptions into the lanes, with private transportation provider vehicles' capacity set at 16 passengers instead of eight. They also allow officially marked and on-duty law enforcement and fire department vehicles into the HOV lanes.

Organ Procurement Organizations. Organ procurement organizations are designated by the secretary of the United States Department of Health and Human Services (HHS). According to HHS, two organ procurement organizations are currently affiliated with Washington State.

Ambulance and Aid Vehicle Licenses. The Department of Health (DOH) prescribes minimum requirements and issues licenses for ambulances and aid vehicles, and the services that operate them.

Summary of Bill (First Substitute): A classification similar to authorized emergency

vehicles is created for organ transport vehicles, which can be either operated or contracted out by an organ procurement organization. Organ transport vehicles must be clearly and identifiably marked as such on all sides, and must be equipped with a siren audible from, and at least one red light visible from, at least 500 feet away. Organ transport vehicles are authorized to use signal preemption devices. The organ transport vehicles may only use the sirens, lights, and signal preemption devices during an organ transport deemed an emergency, and are required to contact WSP before transport if practicable.

Drivers of other vehicles are obligated to yield right-of-way and stop on the right-hand side of the road if possible. Organ transport vehicle drivers are required to drive with due regard for the safety of all persons using the highway.

DOT and local authorities are authorized to allow organ transport vehicles into their HOV lanes, regardless of the number of passengers if the vehicle is transporting a time urgent organ or a time sensitive organ or tissue donor.

"Time urgent organ" is defined as 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. "Time sensitive organ or tissue donor" is defined as an organ being transported for human transplant, or a tissue donor being transported for the purpose of recovery that is time sensitive, but not an emergency.

DOH must develop minimum requirements, and issue organ transport vehicles two-year renewable licenses, which must be prominently displayed on the vehicles. DOH, in consultation with the Department of Licensing, must also issue two-year renewable licenses for organ transport services that operate organ transport vehicles.

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

- are at least 25 years of age;
- are a current, previous, or retired police officer, firefighter, or EMS provider;
- have a minimum of five years' experience operating a police, fire department, or emergency medical service vehicle under emergency conditions;
- have passed a preemployment driver's license check showing no more than one moving vehicle violation in a rolling three-year period, with annual license reviews thereafter;
- have passed a preemployment drug screen, with random drug screenings thereafter;
- have passed state and national criminal background checks; and
- have completed an emergency vehicle operators course and a defensive drivers course.

An organ transport service shall maintain:

- commercial general liability insurance in the amount of \$5,000,000/\$10,000,000 aggregate;
- automobile liability insurance in the amount of \$5,000,000; and

- an umbrella policy in the amount of \$2,000,000.

The secretary of DOH shall establish fees for the organ transport service licenses and renewals as provided in RCW 43.70.250.

Employment as an organ transport vehicle operator does not add to the scope of practice for a current emergency medical service provider, and is not considered employment as an emergency medical service provider.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):

- Provides that DOH shall establish fees for organ transport service licenses and renewals as provided in RCW 43.70.250.
- Provides that employment as an organ transport vehicle operator does not add to the scope of practice for a current emergency medical service provider, and is not considered employment as an emergency medical service provider.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: A retired cop who became an organ transport driver inspired this idea, he thought it would be nice if organ transport vehicles had the same flexibility that police vehicles have in times of urgency. A large portion of organs in Washington need to be transferred to larger and larger geographic areas. Federal rules have changed to expand the area where organs need to be shared. Some organs have a strict time limit for how long they can be outside of a body. A heart or lung can only last 4-6 hours. This bill will help ensure organs can get to the airport to be transferred in a timely manner. Currently ambulances transfer sensitive organs because they can use lights and sirens, and the EMS system is already stretched thin. There are increasing instances of ambulances leaving an organ in the hospital to deal with a 911 call, which they prioritize over organ transport. NORA operates organ transport vehicles in Washington and Oregon. All NORA's vehicles already have lights and sirens because other states allow them to be used. We lost 60 patients because we weren't able to get them an organ for transplant. Roughly 1300 patients with kidney disease are on the waiting list for a kidney transplant. This bill will provide important visual cues so that organ transport vehicles can save lives.

Persons Testifying: PRO: Senator Mark Mullet, Prime Sponsor; Nathaniel Brown, Northwest Kidney Council; Jackie Wirz, Donate Life Northwest; Jessica Hostetler; Dominic Adorno; Scott Demczyszyn, Nationwide Organ Recovery Association.

Persons Signed In To Testify But Not Testifying: No one.