

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1271

Chapter 290, Laws of 2023

68th Legislature
2023 Regular Session

ORGAN TRANSPORT VEHICLES

EFFECTIVE DATE: July 23, 2023

Passed by the House April 14, 2023
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 5, 2023
Yeas 48 Nays 0

DENNY HECK

President of the Senate

Approved May 4, 2023 3:15 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1271** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 5, 2023

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1271

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By House Transportation (originally sponsored by Representatives Low, Eslick, Bronoske, Hackney, Goehner, Hutchins, Berry, Reed, Christian, and Schmidt)

READ FIRST TIME 02/07/23.

1 AN ACT Relating to organ transport vehicles; amending RCW
2 68.64.010, 46.37.190, 46.37.380, 46.37.670, 46.61.210, 46.61.165,
3 47.52.025, 18.73.140, 18.73.081, and 18.73.030; adding a new section
4 to chapter 46.04 RCW; and adding a new section to chapter 18.73 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04
7 RCW to read as follows:

8 "Organ transport vehicle" means any vehicle operated or
9 contracted by an organ procurement organization as defined in RCW
10 68.64.010, and clearly and identifiably marked as such on all sides
11 of the vehicle.

12 **Sec. 2.** RCW 68.64.010 and 2010 c 161 s 1156 are each amended to
13 read as follows:

14 The definitions in this section apply throughout this chapter
15 unless the context clearly requires otherwise.

16 (1) "Adult" means an individual who is at least (~~eighteen~~) 18
17 years old.

18 (2) "Agent" means an individual:

19 (a) Authorized to make health care decisions on the principal's
20 behalf by a power of attorney for health care; or

1 (b) Expressly authorized to make an anatomical gift on the
2 principal's behalf by any other record signed by the principal.

3 (3) "Anatomical gift" means a donation of all or part of a human
4 body to take effect after the donor's death for the purpose of
5 transplantation, therapy, research, or education.

6 (4) "Decedent" means a deceased individual whose body or part is
7 or may be the source of an anatomical gift.

8 (5) "Disinterested witness" means a witness other than the spouse
9 or state registered domestic partner, child, parent, sibling,
10 grandchild, grandparent, or guardian of the individual who makes,
11 amends, revokes, or refuses to make an anatomical gift. The term does
12 not include a person to which an anatomical gift could pass under RCW
13 68.64.100.

14 (6) "Document of gift" means a donor card or other record used to
15 make an anatomical gift. The term includes a statement or symbol on a
16 driver's license, identification card, or donor registry.

17 (7) "Donor" means an individual whose body or part is the subject
18 of an anatomical gift.

19 (8) "Donor registry" means a database that contains records of
20 anatomical gifts and amendments to or revocations of anatomical
21 gifts.

22 (9) "Driver's license" means a license or permit issued by the
23 department of licensing to operate a vehicle, whether or not
24 conditions are attached to the license or permit.

25 (10) "Eye bank" means a person that is licensed, accredited, or
26 regulated under federal or state law to engage in the recovery,
27 screening, testing, processing, storage, or distribution of human
28 eyes or portions of human eyes.

29 (11) "Guardian" means a person appointed by a court to make
30 decisions regarding the support, care, education, health, or welfare
31 of an individual. The term does not include a guardian ad litem.

32 (12) "Hospital" means a facility licensed as a hospital under the
33 law of any state or a facility operated as a hospital by the United
34 States, a state, or a subdivision of a state.

35 (13) "Identification card" means an identification card issued by
36 the department of licensing.

37 (14) "Know" means to have actual knowledge.

38 (15) "Minor" means an individual who is less than (~~eighteen~~) 18
39 years old.

1 (16) "Organ procurement organization" means a person designated
2 by the secretary of the United States department of health and human
3 services as an organ procurement organization.

4 (17) "Parent" means a parent whose parental rights have not been
5 terminated.

6 (18) "Part" means an organ, an eye, or tissue of a human being.
7 The term does not include the whole body.

8 (19) "Person" means an individual, corporation, business trust,
9 estate, trust, partnership, limited liability company, association,
10 joint venture, public corporation, government or governmental
11 subdivision, agency, or instrumentality, or any other legal or
12 commercial entity.

13 (20) "Physician" means an individual licensed or otherwise
14 authorized to practice medicine and surgery or osteopathic medicine
15 and surgery under the law of any state.

16 (21) "Procurement organization" means an eye bank, organ
17 procurement organization, or tissue bank.

18 (22) "Prospective donor" means an individual whose death is
19 imminent and has been determined by a procurement organization to
20 have a part that could be medically suitable for transplantation,
21 therapy, research, or education. "Prospective donor" does not include
22 an individual who has made a refusal.

23 (23) "Reasonable costs" include: (a) Programming and software
24 installation and upgrades; (b) employee training that is specific to
25 the organ and tissue donor registry or the donation program created
26 in RCW 46.16A.090(2); (c) literature that is specific to the organ
27 and tissue donor registry or the donation program created in RCW
28 46.16A.090(2); and (d) hardware upgrades or other issues important to
29 the organ and tissue donor registry or the donation program created
30 in RCW 46.16A.090(2) that have been mutually agreed upon in advance
31 by the department of licensing and the Washington state organ
32 procurement organizations.

33 (24) "Reasonably available" means able to be contacted by a
34 procurement organization without undue effort and willing and able to
35 act in a timely manner consistent with existing medical criteria
36 necessary for the making of an anatomical gift.

37 (25) "Recipient" means an individual into whose body a decedent's
38 part has been or is intended to be transplanted.

1 (26) "Record" means information that is inscribed on a tangible
2 medium or that is stored in an electronic or other medium and is
3 retrievable in perceivable form.

4 (27) "Refusal" means a record created under RCW 68.64.060 that
5 expressly states an intent to bar other persons from making an
6 anatomical gift of an individual's body or part.

7 (28) "Sign" means, with the present intent to authenticate or
8 adopt a record:

9 (a) To execute or adopt a tangible symbol; or

10 (b) To attach to or logically associate with the record an
11 electronic symbol, sound, or process.

12 (29) "State" means a state of the United States, the District of
13 Columbia, Puerto Rico, the United States Virgin Islands, or any
14 territory or insular possession subject to the jurisdiction of the
15 United States.

16 (30) "Technician" means an individual determined to be qualified
17 to remove or process parts by an appropriate organization that is
18 licensed, accredited, or regulated under federal or state law. The
19 term includes an enucleator.

20 (31) "Time sensitive organ or tissue donor" means an organ being
21 transported for human transplant or a tissue donor being transported
22 for the purpose of recovery that is time sensitive but not an
23 emergency.

24 (32) "Time urgent organ" means an organ being transported for
25 human transplant that a member of the transplant team or a
26 representative of the organ procurement organization declares an
27 emergency.

28 (33) "Tissue" means a portion of the human body other than an
29 organ or an eye. The term does not include blood unless the blood is
30 donated for the purpose of research or education.

31 ~~((32))~~ (34) "Tissue bank" means a person that is licensed to
32 conduct business in this state, accredited, and regulated under
33 federal or state law to engage in the recovery, screening, testing,
34 processing, storage, or distribution of tissue.

35 ~~((33))~~ (35) "Transplant hospital" means a hospital that
36 furnishes organ transplants and other medical and surgical specialty
37 services required for the care of transplant patients.

38 ~~((34))~~ (36) "Washington state organ procurement organization"
39 means an organ procurement organization that has been designated by
40 the United States department of health and human services to

1 coordinate organ procurement activities for any portion of Washington
2 state.

3 **Sec. 3.** RCW 46.37.190 and 2020 c 95 s 1 are each amended to read
4 as follows:

5 (1) Every authorized emergency vehicle and organ transport
6 vehicle shall, in addition to any other equipment and distinctive
7 marking required by this chapter, be equipped with at least one lamp
8 capable of displaying a red light visible from at least (~~five~~
9 ~~hundred~~) 500 feet in normal sunlight and a siren capable of giving
10 an audible signal.

11 (2) Every school bus and private carrier bus shall, in addition
12 to any other equipment and distinctive markings required by this
13 chapter, be equipped with a "stop" signal upon a background not less
14 than (~~fourteen~~) 14 by (~~eighteen~~) 18 inches displaying the word
15 "stop" in letters of distinctly contrasting colors not less than five
16 and nine-tenths inches high, and shall further be equipped with
17 signal lamps mounted as high and as widely spaced laterally as
18 practicable, which shall be capable of displaying to the front two
19 alternately flashing red lights located at the same level and to the
20 rear two alternately flashing red lights located at the same level
21 and these lights shall have sufficient intensity to be visible at
22 (~~five hundred~~) 500 feet in normal sunlight.

23 (3) Vehicles operated by public agencies whose law enforcement
24 duties include the authority to stop and detain motor vehicles on the
25 public highways of the state may be equipped with a siren and lights
26 of a color and type designated by the state patrol for that purpose.
27 The state patrol may prohibit the use of these sirens and lights on
28 vehicles other than the vehicles described in this subsection.

29 (4) The lights described in this section shall not be mounted nor
30 used on any vehicle other than a school bus, a private carrier bus,
31 (~~or~~) an authorized emergency or law enforcement vehicle, or an
32 organ transport vehicle.

33 (5) The use of the signal equipment described in this section and
34 RCW 46.37.670, except the signal preemption devices used by public
35 transit vehicles and department of transportation, city, or county
36 maintenance vehicles that are not used in conjunction with emergency
37 equipment, shall impose upon drivers of other vehicles the obligation
38 to yield right-of-way and stop as prescribed in RCW 46.61.210,
39 46.61.370, and 46.61.350.

1 **Sec. 4.** RCW 46.37.380 and 2010 c 8 s 9052 are each amended to
2 read as follows:

3 (1) Every motor vehicle when operated upon a highway shall be
4 equipped with a horn in good working order and capable of emitting
5 sound audible under normal conditions from a distance of not less
6 than (~~two hundred~~) 200 feet, but no horn or other warning device
7 may emit an unreasonably loud or harsh sound or a whistle. The driver
8 of a motor vehicle shall when reasonably necessary to insure safe
9 operation give audible warning with his or her horn but shall not
10 otherwise use such horn when upon a highway.

11 (2) No vehicle may be equipped with nor may any person use upon a
12 vehicle any siren, whistle, or bell, except as otherwise permitted in
13 this section.

14 (3) It is permissible for any vehicle to be equipped with a theft
15 alarm signal device so long as it is so arranged that it cannot be
16 used by the driver as an ordinary warning signal. Such a theft alarm
17 signal device may use a whistle, bell, horn, or other audible signal
18 but shall not use a siren.

19 (4) Any authorized emergency vehicle may be equipped with a
20 siren, whistle, or bell capable of emitting sound audible under
21 normal conditions from a distance of not less than (~~five hundred~~)
22 500 feet and of a type conforming to rules adopted by the state
23 patrol, but the siren shall not be used except when the vehicle is
24 operated in response to an emergency call or in the immediate pursuit
25 of an actual or suspected violator of the law, in which latter events
26 the driver of the vehicle shall sound the siren when reasonably
27 necessary to warn pedestrians and other drivers of its approach.

28 (5) Any organ transport vehicle may be equipped with a siren,
29 whistle, or bell capable of emitting sound audible under normal
30 conditions from a distance of not less than 500 feet and of a type
31 conforming to rules adopted by the state patrol, but the siren shall
32 not be used except when the vehicle is transporting a time urgent
33 organ as defined in RCW 68.64.010, in which case the driver of the
34 vehicle shall sound the siren when reasonably necessary to warn
35 pedestrians and other drivers of its approach.

36 **Sec. 5.** RCW 46.37.670 and 2005 c 183 s 2 are each amended to
37 read as follows:

38 (1) Signal preemption devices shall not be installed or used on
39 or with any vehicle other than an emergency vehicle authorized by the

1 state patrol, an organ transport vehicle, a publicly owned law
2 enforcement or emergency vehicle, a department of transportation,
3 city, or county maintenance vehicle, or a public transit vehicle.

4 (2) This section does not apply to any of the following:

5 (a) A law enforcement agency and law enforcement personnel in the
6 course of providing law enforcement services;

7 (b) A fire station or a firefighter in the course of providing
8 fire prevention or fire extinguishing services;

9 (c) An emergency medical service or ambulance in the course of
10 providing emergency medical transportation or ambulance services;

11 (d) An operator, passenger, or owner of an authorized emergency
12 vehicle in the course of his or her emergency duties;

13 (e) A driver of an organ transport vehicle when a vehicle is
14 transporting a time urgent organ as defined in RCW 68.64.010;

15 (f) Department of transportation, city, or county maintenance
16 personnel while performing maintenance;

17 ~~((f))~~ (g) Public transit personnel in the performance of their
18 duties. However, public transit personnel operating a signal
19 preemption device shall have second degree priority to law
20 enforcement personnel, firefighters, emergency medical personnel, and
21 other authorized emergency vehicle personnel, when simultaneously
22 approaching the same traffic control signal;

23 ~~((g))~~ (h) A mail or package delivery service or employee or
24 agent of a mail or package delivery service in the course of shipping
25 or delivering a signal preemption device;

26 ~~((h))~~ (i) An employee or agent of a signal preemption device
27 manufacturer or retailer in the course of his or her employment in
28 providing, selling, manufacturing, or transporting a signal
29 preemption device to an individual or agency described in this
30 subsection.

31 **Sec. 6.** RCW 46.61.210 and 1965 ex.s. c 155 s 32 are each amended
32 to read as follows:

33 (1) Upon the immediate approach of an authorized emergency
34 vehicle, or organ transport vehicle transporting a time urgent organ
35 as defined in RCW 68.64.010, making use of audible and visual signals
36 meeting the requirements of RCW 46.37.190, or of a police vehicle
37 properly and lawfully making use of an audible signal only the driver
38 of every other vehicle shall yield the right-of-way and shall
39 immediately drive to a position parallel to, and as close as possible

1 to, the right-hand edge or curb of the roadway clear of any
2 intersection and shall stop and remain in such position until the
3 authorized emergency vehicle or organ transport vehicle has passed,
4 except when otherwise directed by a police officer.

5 (2) This section shall not operate to relieve the driver of an
6 authorized emergency vehicle or organ transport vehicle from the duty
7 to drive with due regard for the safety of all persons using the
8 highway. To the greatest extent practicable, organ transport services
9 as defined in RCW 18.73.030 shall notify the state patrol when an
10 organ transport vehicle is operating under the provisions of this
11 section.

12 **Sec. 7.** RCW 46.61.165 and 2019 c 467 s 3 are each amended to
13 read as follows:

14 (1) The state department of transportation and the local
15 authorities are authorized to reserve all or any portion of any
16 highway under their respective jurisdictions, including any
17 designated lane or ramp, for the exclusive or preferential use of one
18 or more of the following: (a) Public transportation vehicles; (b)
19 motorcycles; (c) private motor vehicles carrying no fewer than a
20 specified number of passengers; (~~(e)~~) (d) organ transport vehicles
21 transporting a time urgent organ or a time sensitive organ or tissue
22 donor as defined in RCW 68.64.010; or (e) the following private
23 transportation provider vehicles if the vehicle has the capacity to
24 carry eight or more passengers, regardless of the number of
25 passengers in the vehicle, and if such use does not interfere with
26 the efficiency, reliability, and safety of public transportation
27 operations: (i) Auto transportation company vehicles regulated under
28 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated
29 under chapter 81.70 RCW, except marked or unmarked stretch limousines
30 and stretch sport utility vehicles as defined under department of
31 licensing rules; (iii) private nonprofit transportation provider
32 vehicles regulated under chapter 81.66 RCW; and (iv) private employer
33 transportation service vehicles, when such limitation will increase
34 the efficient utilization of the highway or will aid in the
35 conservation of energy resources.

36 (2) Any transit-only lanes that allow other vehicles to access
37 abutting businesses that are authorized pursuant to subsection (1) of
38 this section may not be authorized for the use of private

1 transportation provider vehicles as described under subsection (1) of
2 this section.

3 (3) The state department of transportation and the local
4 authorities authorized to reserve all or any portion of any highway
5 under their respective jurisdictions, for exclusive or preferential
6 use, may prohibit the use of a high occupancy vehicle lane by the
7 following private transportation provider vehicles: (a) Auto
8 transportation company vehicles regulated under chapter 81.68 RCW;
9 (b) passenger charter carrier vehicles regulated under chapter 81.70
10 RCW, and marked or unmarked limousines and stretch sport utility
11 vehicles as defined under department of licensing rules; (c) private
12 nonprofit transportation provider vehicles regulated under chapter
13 81.66 RCW; and (d) private employer transportation service vehicles,
14 when the average transit speed in the high occupancy vehicle lane
15 fails to meet department of transportation standards and falls below
16 (~~forty-five~~) 45 miles per hour at least (~~ninety~~) 90 percent of
17 the time during the peak hours, as determined by the department of
18 transportation or the local authority, whichever operates the
19 facility.

20 (4) Regulations authorizing such exclusive or preferential use of
21 a highway facility may be declared to be effective at all times or at
22 specified times of day or on specified days. Violation of a
23 restriction of highway usage prescribed by the appropriate authority
24 under this section is a traffic infraction. A person who commits a
25 traffic infraction under this section is also subject to additional
26 monetary penalties as defined in this subsection. The additional
27 monetary penalties are separate from the base penalty, fees, and
28 assessments issued for the traffic infraction and are intended to
29 raise awareness, and improve the efficiency, of the high occupancy
30 vehicle lane system.

31 (a) Whenever a person commits a traffic infraction under this
32 section, an additional monetary penalty of (~~fifty dollars~~) \$50 must
33 be collected, and, in the case that a person has already committed a
34 violation under this section within two years of committing this
35 violation, then an additional (~~one hundred fifty dollars~~) \$150 must
36 be collected.

37 (b) Any time a person commits a traffic infraction under this
38 section and is using a dummy, doll, or other human facsimile to make
39 it appear that an additional person is in the vehicle, the person

1 must be assessed a (~~two hundred dollar~~) \$200 penalty, which is in
2 addition to the penalties in (a) of this subsection.

3 (c) The monetary penalties under (a) and (b) of this subsection
4 are additional, separate, and distinct penalties from the base
5 penalty and are not subject to fees or assessments specified in RCW
6 46.63.110, 3.62.090, and 2.68.040.

7 (d) (i) The additional penalties collected under (a) of this
8 subsection must be distributed as follows:

9 (A) Twenty-five percent must be deposited into the congestion
10 relief and traffic safety account created under RCW 46.68.398; and

11 (B) Seventy-five percent must be deposited into the motor vehicle
12 fund created under RCW 46.68.070.

13 (ii) The additional penalty collected under (b) of this
14 subsection must be deposited into the congestion relief and traffic
15 safety account created under RCW 46.68.398.

16 (e) Violations committed under this section are excluded from
17 eligibility as a moving violation for driver's license suspension
18 under RCW 46.20.289 when a person subsequently fails to respond to a
19 notice of traffic infraction for this moving violation, fails to
20 appear at a requested hearing for this moving violation, violates a
21 written promise to appear in court for a notice of infraction for
22 this moving violation, or fails to comply with the terms of a notice
23 of traffic infraction for this moving violation.

24 (5) Local authorities are encouraged to establish a process for
25 private transportation providers, as described under subsections (1)
26 and (3) of this section, to apply for the use of public
27 transportation facilities reserved for the exclusive or preferential
28 use of public transportation vehicles. The application and review
29 processes should be uniform and should provide for an expeditious
30 response by the local authority. Whenever practicable, local
31 authorities should enter into agreements with such private
32 transportation providers to allow for the reasonable use of these
33 facilities.

34 (6) For the purposes of this section, "private employer
35 transportation service" means regularly scheduled, fixed-route
36 transportation service that is similarly marked or identified to
37 display the business name or logo on the driver and passenger sides
38 of the vehicle, meets the annual certification requirements of the
39 department of transportation, and is offered by an employer for the
40 benefit of its employees.

1 **Sec. 8.** RCW 47.52.025 and 2013 c 26 s 3 are each amended to read
2 as follows:

3 (1) Highway authorities of the state, counties, and incorporated
4 cities and towns, in addition to the specific powers granted in this
5 chapter, shall also have, and may exercise, relative to limited
6 access facilities, any and all additional authority, now or hereafter
7 vested in them relative to highways or streets within their
8 respective jurisdictions, and may regulate, restrict, or prohibit the
9 use of such limited access facilities by various classes of vehicles
10 or traffic. Such highway authorities may reserve any limited access
11 facility or portions thereof, including designated lanes or ramps for
12 the exclusive or preferential use of (a) public transportation
13 vehicles, (b) privately owned buses, (c) motorcycles, (d) private
14 motor vehicles carrying not less than a specified number of
15 passengers, (~~(e)~~) (e) organ transport vehicles transporting a time
16 urgent organ or a time sensitive organ or tissue donor as defined in
17 RCW 68.64.010, or (f) the following private transportation provider
18 vehicles if the vehicle has the capacity to carry eight or more
19 passengers, regardless of the number of passengers in the vehicle,
20 and if such use does not interfere with the efficiency, reliability,
21 and safety of public transportation operations: (i) Auto
22 transportation company vehicles regulated under chapter 81.68 RCW;
23 (ii) passenger charter carrier vehicles regulated under chapter 81.70
24 RCW, except marked or unmarked stretch limousines and stretch sport
25 utility vehicles as defined under department of licensing rules;
26 (iii) private nonprofit transportation provider vehicles regulated
27 under chapter 81.66 RCW; and (iv) private employer transportation
28 service vehicles, when such limitation will increase the efficient
29 utilization of the highway facility or will aid in the conservation
30 of energy resources. Regulations authorizing such exclusive or
31 preferential use of a highway facility may be declared to be
32 effective at all time or at specified times of day or on specified
33 days.

34 (2) Any transit-only lanes that allow other vehicles to access
35 abutting businesses that are reserved pursuant to subsection (1) of
36 this section may not be authorized for the use of private
37 transportation provider vehicles as described under subsection (1) of
38 this section.

39 (3) Highway authorities of the state, counties, or incorporated
40 cities and towns may prohibit the use of limited access facilities by

1 the following private transportation provider vehicles: (a) Auto
2 transportation company vehicles regulated under chapter 81.68 RCW;
3 (b) passenger charter carrier vehicles regulated under chapter 81.70
4 RCW, and marked or unmarked limousines and stretch sport utility
5 vehicles as defined under department of licensing rules; (c) private
6 nonprofit transportation provider vehicles regulated under chapter
7 81.66 RCW; and (d) private employer transportation service vehicles,
8 when the average transit speed in the high occupancy vehicle travel
9 lane fails to meet department standards and falls below (~~forty-~~
10 ~~five~~) 45 miles per hour at least (~~ninety~~) 90 percent of the time
11 during the peak hours for two consecutive months.

12 (4)(a) Local authorities are encouraged to establish a process
13 for private transportation providers, described under subsections (1)
14 and (3) of this section, to apply for the use of limited access
15 facilities that are reserved for the exclusive or preferential use of
16 public transportation vehicles.

17 (b) The process must provide a list of facilities that the local
18 authority determines to be unavailable for use by the private
19 transportation provider and must provide the criteria used to reach
20 that determination.

21 (c) The application and review processes must be uniform and
22 should provide for an expeditious response by the authority.

23 (5) For the purposes of this section, "private employer
24 transportation service" means regularly scheduled, fixed-route
25 transportation service that is similarly marked or identified to
26 display the business name or logo on the driver and passenger sides
27 of the vehicle, meets the annual certification requirements of the
28 department, and is offered by an employer for the benefit of its
29 employees.

30 **Sec. 9.** RCW 18.73.140 and 2000 c 93 s 19 are each amended to
31 read as follows:

32 The secretary shall issue an ambulance, organ transport vehicle,
33 or aid vehicle license for each vehicle so designated. The license
34 shall be for a period of two years and may be reissued on expiration
35 if the vehicle and its equipment meet requirements in force at the
36 time of expiration of the license period. The license may be revoked
37 if the ambulance, organ transport vehicle, or aid vehicle is found to
38 be operating in violation of the regulations promulgated by the
39 department or without required equipment. The license shall be

1 terminated automatically if the vehicle is sold or transferred to the
2 control of any organization not currently licensed as an ambulance,
3 organ transport vehicle, or aid vehicle service. The license number
4 shall be prominently displayed on each vehicle.

5 **Sec. 10.** RCW 18.73.081 and 2022 c 136 s 3 are each amended to
6 read as follows:

7 In addition to other duties prescribed by law, the secretary
8 shall:

9 (1) Prescribe minimum requirements for:

10 (a) Ambulance, air ambulance, organ transport vehicles, and aid
11 vehicles and equipment;

12 (b) Ambulance and aid services; and

13 (c) Minimum emergency communication equipment;

14 (2) Adopt procedures for services that fail to perform in
15 accordance with minimum requirements;

16 (3) Prescribe minimum standards for first responder and emergency
17 medical technician training including:

18 (a) Adoption of curriculum and period of certification;

19 (b) Procedures for provisional certification, certification,
20 recertification, decertification, or modification of certificates;

21 (c) Adoption of requirements for ongoing training and evaluation,
22 as approved by the county medical program director, to include
23 appropriate evaluation for individual knowledge and skills. The first
24 responder, emergency medical technician, or emergency medical
25 services provider agency may elect a program of continuing education
26 and a written and practical examination instead of meeting the
27 ongoing training and evaluation requirements;

28 (d) Procedures for reciprocity with other states or national
29 certifying agencies;

30 (e) Review and approval or disapproval of training programs; and

31 (f) Adoption of standards for numbers and qualifications of
32 instructional personnel required for first responder and emergency
33 medical technician training programs;

34 (4) Prescribe minimum requirements for liability insurance to be
35 carried by licensed services except that this requirement shall not
36 apply to public bodies; and

37 (5) Certify emergency medical program directors.

1 **Sec. 11.** RCW 18.73.030 and 2022 c 136 s 1 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Advanced life support" means invasive emergency medical
6 services requiring advanced medical treatment skills as defined by
7 chapter 18.71 RCW.

8 (2) "Aid service" means an organization that operates one or more
9 aid vehicles.

10 (3) "Aid vehicle" means a vehicle used to carry aid equipment and
11 individuals trained in first aid or emergency medical procedure.

12 (4) "Ambulance" means a ground or air vehicle designed and used
13 to transport the ill and injured and to provide personnel,
14 facilities, and equipment to treat patients before and during
15 transportation.

16 (5) "Ambulance service" means an organization that operates one
17 or more ambulances.

18 (6) "Basic life support" means noninvasive emergency medical
19 services requiring basic medical treatment skills as defined in this
20 chapter.

21 (7) "Collaborative medical care" means medical treatment and care
22 provided pursuant to agreements with local, regional, or state public
23 health agencies to control and prevent the spread of communicable
24 diseases which is rendered separately from emergency medical service.

25 (8) "Communications system" means a radio and landline network
26 which provides rapid public access, coordinated central dispatching
27 of services, and coordination of personnel, equipment, and facilities
28 in an emergency medical services and trauma care system.

29 (9) "Council" means the local or regional emergency medical
30 services and trauma care council as authorized under chapter 70.168
31 RCW.

32 (10) "Department" means the department of health.

33 (11) "Emergency medical service" means medical treatment and care
34 which may be rendered at the scene of any medical emergency or while
35 transporting any patient in an ambulance to an appropriate medical
36 facility, including ambulance transportation between medical
37 facilities.

38 (12) "Emergency medical services medical program director" means
39 a person who is an approved medical program director as defined by
40 RCW 18.71.205(4).

1 (13) "Emergency medical technician" means a person who is
2 authorized by the secretary to render emergency medical care pursuant
3 to RCW 18.73.081, under the responsible supervision and direction of
4 an approved medical program director, which may include participating
5 in an emergency services supervisory organization or a community
6 assistance referral and education services program established under
7 RCW 35.21.930, or providing collaborative medical care if the
8 participation or provision of collaborative medical care does not
9 exceed the participant's training and certification.

10 (14) "Emergency services supervisory organization" means an
11 entity that is authorized by the secretary to use certified emergency
12 medical services personnel to provide medical evaluation or initial
13 treatment, or both, to sick or injured people, while in the course of
14 duties with the organization for on-site medical care prior to any
15 necessary activation of emergency medical services. Emergency
16 services supervisory organizations include law enforcement agencies,
17 disaster management organizations, search and rescue operations,
18 diversion centers, and businesses with organized industrial safety
19 teams.

20 (15) "First responder" means a person who is authorized by the
21 secretary to render emergency medical care as defined by RCW
22 18.73.081.

23 (16) "Organ transport service" means an organization that
24 operates one or more organ transport vehicles.

25 (17) "Organ transport vehicle" has the same meaning as in section
26 1 of this act.

27 (18) "Patient care procedures" means written operating guidelines
28 adopted by the regional emergency medical services and trauma care
29 council, in consultation with the local emergency medical services
30 and trauma care councils, emergency communication centers, and the
31 emergency medical services medical program director, in accordance
32 with statewide minimum standards. The patient care procedures shall
33 identify the level of medical care personnel to be dispatched to an
34 emergency scene, procedures for triage of patients, the level of
35 trauma care facility to first receive the patient, and the name and
36 location of other trauma care facilities to receive the patient
37 should an interfacility transfer be necessary. Procedures on
38 interfacility transfer of patients shall be consistent with the
39 transfer procedures in chapter 70.170 RCW.

1 (~~(17)~~) (19) "Prehospital patient care protocols" means the
2 written procedure adopted by the emergency medical services medical
3 program director which direct the out-of-hospital emergency care of
4 the emergency patient which includes the trauma care patient. These
5 procedures shall be based upon the assessment of the patient's
6 medical needs and what treatment will be provided for emergency
7 conditions. The protocols shall meet or exceed statewide minimum
8 standards developed by the department in rule as authorized in
9 chapter 70.168 RCW.

10 (~~(18)~~) (20) "Secretary" means the secretary of the department
11 of health.

12 (~~(19)~~) (21) "Stretcher" means a cart designed to serve as a
13 litter for the transportation of a patient in a prone or supine
14 position as is commonly used in the ambulance industry, such as
15 wheeled stretchers, portable stretchers, stair chairs, solid
16 backboards, scoop stretchers, basket stretchers, or flexible
17 stretchers. The term does not include personal mobility aids that
18 recline at an angle or remain at a flat position, that are owned or
19 leased for a period of at least one week by the individual using the
20 equipment or the individual's guardian or representative, such as
21 wheelchairs, personal gurneys, or banana carts.

22 NEW SECTION. **Sec. 12.** A new section is added to chapter 18.73
23 RCW to read as follows:

24 (1) An organ transport service may not operate in the state of
25 Washington without holding a license for such operation, issued by
26 the secretary in consultation with the department of licensing.

27 (2) Organ transport services must ensure that personnel operating
28 organ transport vehicles:

29 (a) Are at least 25 years of age;

30 (b) Are a current, previous, or retired police officer,
31 firefighter, or EMS provider;

32 (c) Have a minimum of five years' experience operating a police,
33 fire department, or emergency medical service vehicle under emergency
34 conditions;

35 (d) Have passed a preemployment driver's license check showing no
36 more than one moving vehicle violation in a rolling three-year
37 period, with annual license reviews thereafter;

38 (e) Have passed a preemployment drug screen, with random drug
39 screenings thereafter;

- 1 (f) Have passed state and national criminal background checks;
2 and
- 3 (g) Have completed an emergency vehicle operators course and a
4 defensive drivers course.
- 5 (3) An organ transport service shall maintain:
- 6 (a) Commercial general liability insurance in the amount of
7 \$5,000,000/\$10,000,000 aggregate;
- 8 (b) Automobile liability insurance in the amount of \$5,000,000;
9 and
- 10 (c) An umbrella policy in the amount of \$2,000,000.
- 11 (4) The license shall be valid for a period of two years and
12 shall be renewed on request provided the holder has consistently
13 complied with the regulations of the department and the department of
14 licensing and provided also that the needs of the area served have
15 been met satisfactorily. The license shall not be transferable and
16 may be revoked if the service is found in violation of rules adopted
17 by the department.
- 18 (5) The department, in consultation with the department of
19 licensing, shall adopt rules under chapter 34.05 RCW to implement
20 this section.
- 21 (6) Employment as a driver for organ transport vehicles does not
22 add to the scope of practice for a current EMS provider and is not
23 considered employment as an EMS provider.
- 24 (7) The secretary shall not establish fees for the license and
25 renewals for an organ transport service or vehicle.

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