

**ARTICLE I.
AMBULANCES.**

Division 1. General Provisions.

SEC. 15D-1. STATEMENT OF POLICY.

It is the policy of the city to provide for the protection of the public interest as it relates to the transportation of the sick, injured, and deceased within the city, and as it relates to the efficient use of emergency medical services within the city. To this end, this article provides for the regulation of emergency ambulance service, emergency medical services, and private ambulance service to be administered in a manner that protects the public health and safety and promotes the public convenience and necessity. Nothing in this article will be construed to conflict with any state or federal law relating to emergency and private ambulance service. (Ord. Nos. 21861; 29544)

SEC. 15D-2. GENERAL AUTHORITY AND DUTY OF DIRECTOR.

The director shall implement and enforce this article and may by written order establish such rules and regulations, not inconsistent with this article, as the director determines necessary to discharge any duty under or to effect the policy of this article. (Ord. 21861)

SEC. 15D-3. ESTABLISHMENT OF RULES AND REGULATIONS.

- (a) Before adopting, amending, or abolishing a rule or regulation, the director shall hold a public hearing on the proposal.
- (b) The director shall fix the time and place of the hearing and, in addition to notice required under Article 6252-17, Vernon's Texas Civil Statutes, shall notify each licensee and such other persons as the director determines are interested in the subject matter of the hearing.
- (c) After the public hearing, the director shall notify the licensees and other interested persons of the action taken and shall post an order adopting, amending, or abolishing a rule or regulation on the official bulletin board in the city hall for a period of not fewer than 10 days. The order becomes effective immediately upon expiration of the posting period. (Ord. 21861)

SEC. 15D-4. DEFINITIONS.

In this article:

- (1) **AMBULANCE** means any motor vehicle constructed, reconstructed, arranged, equipped, or used for the purpose of transporting sick, injured, or deceased persons.
- (2) **AMBULANCE CALL** means the act of responding with an ambulance, for compensation, to a request for transportation of a sick, injured, or deceased person.
- (3) **AMBULANCE PERSONNEL** means a person who for compensation has the duty of performing or assisting in the performance of an ambulance call, including driving or acting as an attendant on an ambulance.
- (4) **CITY** means the city of Dallas, Texas.
- (5) **CONVICTION** means a conviction in a federal court or a court of any state or foreign nation or political subdivision of a state or foreign nation that has not been reversed, vacated, or pardoned.
- (6) **DIRECTOR** means the director of the department designated by the city manager to enforce and administer this article, or the director's authorized representative.
- (7) **EMERGENCY** means any circumstance that calls for immediate action and in which the element of time in transporting a sick or injured person for medical treatment or in providing treatment for a sick or injured person is essential to the health, life, or limb of the person. Such circumstances include, but are not limited to, accidents generally, acts of violence resulting in personal injury, and sudden illnesses.

(8) EMERGENCY AMBULANCE means an ambulance specially designed, constructed, equipped, and used for transporting the sick or injured in answer to an emergency call.

(9) EMERGENCY CALL means any request for ambulance service that is made by telephone or other means of communication in circumstances that are, or have been represented to be, an emergency.

(10) EMERGENCY MEDICAL SERVICES means services used to respond to an individual's perceived need for immediate medical care and to prevent death or aggravation of physiological or psychological illness or injury.

(11) EMERGENCY MEDICAL SERVICES VEHICLE means any motor vehicle constructed, reconstructed, arranged, equipped, or used in the mobile community healthcare program by the fire department for the purpose of providing emergency medical services but not for transporting sick, injured, or deceased persons.

(12) EMERGENCY PATIENT means a person in whom a sickness or injury may cause a significant risk to the person's life or limb. Such sickness or injury may include, but is not limited to, trauma (major injury to the body, head, or extremities), chest pain, abdominal pain, unconsciousness, delirium, imminent delivery of a child, and serious infection.

(13) EMERGENCY PREHOSPITAL CARE means care provided to the sick or injured during emergency transportation to a medical facility and includes any necessary stabilization of the sick or injured in connection with that transportation.

(14) EMERGENCY RUN means an emergency ambulance trip, requiring the use of warning lights or sirens, to the place where an emergency exists or from the place of the emergency to a hospital, medical clinic or office, or other appropriate destination for the patient.

(15) FIRE ALARM DISPATCHER means the central communications center of the fire department.

(16) FIRE CHIEF means the chief of the fire department or the chief's duly authorized representative.

(17) FIRE DEPARTMENT means the fire department of the city of Dallas, Texas.

(18) FIRE DEPARTMENT PARAMEDIC means a fire department employee certified as a paramedic by the Texas Department of State Health Services.

(19) LAWFUL ORDER means a verbal or written directive issued by the director in the performance of official duties in the enforcement of this chapter and any rules and regulations promulgated under this chapter.

(20) LICENSE means written authorization issued by the director for a person to operate a private ambulance service within the city.

(21) LICENSEE means a person licensed under this article to engage in private ambulance service. The term includes any owner, operator, driver, ambulance personnel, employee, or agent of the licensed business, but does not include a subcontractor.

(22) MEDICAL DIRECTOR means a physician licensed by the Texas Medical Board who is under contract with the city to be responsible for all aspects of the provision of emergency medical services within the city under Title 22 of the Texas Administrative Code Chapter 197, as amended.

(23) MUTUAL AID CALL means a request for emergency ambulance service issued by one political jurisdiction to a neighboring political jurisdiction.

(24) NEONATE/ PEDIATRIC TRANSPORT PERSONNEL means a registered nurse, physician, or respiratory therapist specially trained in the emergency and transport care of newborn and pediatric patients.

(25) OPERATE means to drive or to be in control of an ambulance.

(26) OPERATOR means the driver of an ambulance, the owner of an ambulance, or the holder of a private ambulance service license.

(27) OWNER means the person to whom state license plates for a vehicle were issued.

(28) PERMIT means written authorization issued by the director for a person to act as an ambulance personnel on a private ambulance within the city.

(29) PERMITTEE means a person who has been issued an ambulance personnel permit by the director under this article.

(30) PERSON means any individual, corporation, business, trust, partnership, association, or other legal entity.

(31) POLICE CHIEF means the chief of police of the city of Dallas or the chief's duly authorized representative.

(32) PRIVATE AMBULANCE means an ambulance constructed, equipped, and used for transporting sick, injured, or deceased persons under circumstances that do not constitute an emergency and have not been represented as an emergency.

(33) PRIVATE AMBULANCE SERVICE means the business of transporting, for compensation, sick, injured, or deceased persons under circumstances that do not constitute an emergency and have not been represented as an emergency.

(34) SPECIAL EVENT means any parade, sporting event, concert, or other event or gathering requiring on-site standby medical personnel.

(35) STREET means any street, alley, avenue, boulevard, drive, or highway commonly used for the purpose of travel within the corporate limits of the city. (Ord. Nos. 21861; 29544)

Division 2. Emergency Medical Services.

SEC. 15D-5. EMERGENCY AMBULANCE SERVICE PROVIDED BY FIRE DEPARTMENT; FEE.

(a) The fire department shall provide all emergency ambulance service within the city.

(b) The city shall charge the following fees for emergency ambulance services in the city provided in response to a call received by the fire department requesting the services:

(1) \$1,578 for each transport of a resident of the city of Dallas to a hospital and \$1,678 for each transport of a nonresident of the city of Dallas to a hospital.

(2) \$125 for treatment of a person who is not transported by ambulance.

(3) The reasonable cost of any expendable items that are medically required to be used on a person transported by ambulance or treated without being transported by ambulance, including but not limited to drugs, dressings and bandages, airways, oxygen masks, intravenous fluids and equipment, syringes, and needles.

(4) The reasonable cost of any EKG/telemetry that is medically required to be performed on a person transported by ambulance or treated without being transported by ambulance.

(5) The reasonable cost of each additional paramedic over two that is medically required to respond to an emergency call.

(6) \$15 for each loaded mile of transport by ambulance, beginning when the patient is loaded into the ambulance and ending upon arrival at the hospital.

(c) The person receiving emergency ambulance service, whether transported by ambulance or treated without being transported by ambulance, and any person contracting for the service shall be responsible for payment of all fees. In the case of service received by a minor, the parent or guardian of the minor shall be responsible for payment of all fees.

(d) A current list of charges for the items, services, and personnel described in Subsections (b)(3), (4), and (5) must be maintained in the office of the emergency medical services division of the fire department and made available for public inspection during normal business hours. (Ord. Nos. 21861; 22565; 24743; 26134; 27353; [29879](#); [30215](#))

SEC. 15D-5.1. MOBILE COMMUNITY HEALTHCARE PROGRAM PROVIDED BY FIRE DEPARTMENT.

(a) Findings and purpose.

(1) The city incurs significant expense related to the health emergencies of its citizens. Fire department paramedics are especially skilled at providing certain emergency medical services. Many of the emergency medical services provided by fire department paramedics are beneficial in the transport of sick or injured persons, as well as in responding to a person's perceived need for immediate medical care.

(2) The city's mobile community healthcare program is designed to:

(A) support efficient and effective emergency medical services within the city;

(B) provide health education to residents;

(C) assess living environments that may be dangerous or detrimental to a citizen's health and could contribute to an emergency situation; and

(D) respond to certain emergency medical situations by providing vaccinations and immunizations.

(3) The mobile community healthcare program is also intended to promote health and safety by referring mobile healthcare program participants to appropriate professionals and organizations in the community.

(4) Because police and fire personnel encounter many individuals while performing their duties, protecting those personnel from communicable diseases using appropriate vaccines or immunizations reduces the spread of such diseases and reduces the number of personnel unavailable to protect the safety of the public.

(b) General provisions.

(1) Texas Health and Safety Code Chapter 773, as amended, and Title 22 of the Texas Administrative Code Chapter 197, as amended, authorize fire department paramedics that are supervised by a physician licensed to practice medicine in Texas to provide emergency medical services.

(2) Under the mobile community healthcare program, fire department paramedics that are under the supervision of a physician licensed to practice medicine in Texas may use emergency medical services vehicles to provide emergency medical services, including immunization and vaccinations, to:

(A) individuals that meet criteria established by the director;

(B) individuals identified through a contract executed under Paragraph (5) below; and

(C) police and fire personnel.

(3) The director shall promulgate standard operating procedures regarding emergency medical services provided by fire department paramedics as part of the mobile community healthcare program.

(4) A physician licensed to practice medicine in Texas shall develop, implement, and revise protocols and standing delegation orders regarding emergency medical services provided by the fire department paramedics as part of the mobile community healthcare program.

(5) The city may enter into contracts with hospitals within Dallas city limits authorizing fire department paramedics, through the mobile community healthcare program, to provide emergency medical services to certain individuals who reside in the city, meet criteria established by a contract, and are designated by the contracting hospital. These contracts with hospitals must:

(A) require that any emergency medical services provided by the fire department paramedics shall be provided under the supervision of the individual's treating physician or the appropriate hospital medical staff and through the exercise of the supervising physician's independent medical judgment;

(B) require that the hospital develop treatment protocols for their discharged individuals receiving emergency medical services from fire department paramedics through the mobile community healthcare program, and that those treatment protocols are deemed by the medical director to be within the scope of the fire department paramedics' certification;

(C) require that any medications prescribed to individuals participating in the mobile community healthcare program will be prescribed by the individual's treating physician or the appropriate hospital medical staff based on the prescribing physician's relationship with the individual; and

(D) be reviewed and approved as to form by the compliance officer and director of risk management before consideration by city council.

(6) Nothing in this chapter shall be construed to restrict a physician from delegating administrative and technical or clinical tasks not involving the exercise of independent medical judgment to those specifically trained individuals instructed and directed by a licensed physician who accepts responsibility for the acts of such allied health personnel. Further, nothing shall be construed to relieve the supervising physician of the professional or legal responsibility for the care and treatment of his or her patients. (Ord. 29544)

SEC. 15D-6. PRIVATE EMERGENCY AMBULANCE SERVICE REGULATIONS.

(a) A person who is not a member of the fire department or of an agency of the United States commits an offense if he furnishes, operates, conducts, maintains, advertises, or otherwise engages in or professes to be engaged in emergency ambulance service within the city, for the purpose of picking up emergency patients within the city, except in the following circumstances:

(1) A person shall operate an emergency ambulance within the city to render assistance during a catastrophe or major emergency if requested to do so by the fire alarm dispatcher when city-authorized emergency ambulances are determined to be insufficient in number or inadequate for other reasons.

(2) A person may operate an emergency ambulance within the city to render assistance to city- authorized emergency ambulances responding to a mutual aid call if requested to do so by the fire alarm dispatcher.

(3) A person may operate an emergency ambulance to a hospital within the city, if:

(A) the emergency patient was picked up by the ambulance outside the city limits;

(B) the ambulance making the emergency run is licensed and operated in accordance with the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended; and

(C) the person first notifies the fire alarm dispatcher of the route to be used in the emergency run.

(4) A licensee or permittee may operate a private ambulance within the city as a backup emergency ambulance if requested to do so by the fire alarm dispatcher when city-authorized emergency ambulances are not available.

(5) A permittee may operate a private ambulance on an emergency run if, upon responding to a direct call for nonemergency private ambulance service, the permittee determines that an emergency exists requiring the sick or injured person to be transported with all practical speed to a hospital and obtains permission from the fire alarm dispatcher to make the emergency run.

(6) A permittee may operate a private ambulance on an emergency run if, while performing the service of maintaining a private ambulance at a particular location for a special event, the permittee determines that an emergency exists requiring a sick or injured person to be transported with all practical speed to a hospital and obtains permission from the fire alarm dispatcher to make the emergency run.

(7) A permittee may operate a private ambulance on an emergency run to transport vital organs, including, but not limited to, hearts, lungs, kidneys, and eyes, to or from a hospital if the permittee obtains permission from the fire alarm dispatcher.

(8) A permittee may operate a private ambulance on an emergency run to transport a newborn or pediatric patient from a lower level skill facility to a higher level skill facility if:

(A) the patient's doctor has determined that an emergency exists;

(B) the patient is accompanied by neonate/pediatric transport personnel; and

(C) the permittee obtains permission from the fire alarm dispatcher to make the emergency run.

(b) Any person who operates a licensed private ambulance on an emergency run under Subsection (a)(5), (6), (7), or (8) shall, within 30 days of each emergency run, submit to the director a report on a form provided for that purpose, describing the circumstances requiring the emergency run. (Ord. 21861)

Division 3. Private Ambulance Service License.

SEC. 15D-7. PRIVATE AMBULANCE SERVICE LICENSE REQUIRED.

(a) A person commits an offense if he operates a private ambulance service within the city without a valid private ambulance service license issued by the director.

(b) A person commits an offense if he advertises or causes to be advertised the operation of a private ambulance service that does not have a valid license granted under this article when the advertisement is reasonably calculated to be seen by persons seeking private ambulance service in the city.

(c) A person commits an offense if he transports or offers to transport, for compensation, a sick, injured, or deceased person by private ambulance from a location within the city to a location either inside or outside the city without holding or being employed by a person holding a valid license issued under this article.

(d) A person commits an offense if he hires or employs a private ambulance service to pick up a sick, injured, or deceased person in the city when he knows the private ambulance service does not have a valid license under this article.

(e) It is a defense to prosecution under Subsection (b) that the person was the publisher of the advertising material and had no knowledge that the private ambulance service did not have a valid license under this article. (Ord. 21861)

SEC. 15D-8. QUALIFICATION FOR PRIVATE AMBULANCE LICENSE.

(a) To qualify for a private ambulance license, an applicant must:

- (1) be at least 18 years of age;
- (2) be currently authorized to work full-time in the United States;
- (3) be able to communicate in the English language; and
- (4) not have been convicted of a crime:

(A) involving:

- (i) criminal homicide as described in Chapter 19 of the Texas Penal Code;
- (ii) kidnapping as described in Chapter 20 of the Texas Penal Code;
- (iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;
- (iv) robbery as described in Chapter 29 of the Texas Penal Code;
- (v) burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;
- (vi) theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;
- (vii) fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;
- (viii) tampering with a govern- mental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;
- (ix) public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;
- (x) the transfer, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or federal law, but only if the violation is punishable as a felony under the applicable law;
- (xi) a violation of the Dangerous Drugs Act (Article 4476-14, Vernon's Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law;
- (xii) a violation of the Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law; or
- (xiii) criminal attempt to commit any of the offenses listed in Subdivision (4)(A)(i) through (xii) of this subsection;

(B) for which:

- (i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;
- (ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or
- (iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;

(b) An applicant who has been convicted of an offense listed in Subsection (a)(4), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for a license only if the director determines that the applicant is presently fit to provide private ambulance service. In determining present fitness under this section, the director shall consider the following:

- (1) the extent and nature of the applicant's past criminal activity;
- (2) the age of the applicant at the time of the commission of the crime;
- (3) the amount of time that has elapsed since the applicant's last criminal activity;
- (4) the conduct and work activity of the applicant prior to and following the criminal activity;
- (5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section. (Ord. 21861)

SEC. 15D-9. APPLICATION FOR LICENSE.

(a) To obtain a private ambulance service license, a person must make written application to the director upon a form provided for that purpose. The application must be signed and sworn to by an applicant who is the owner of the private ambulance service. The application must include the following:

- (1) the name, address, and telephone number of the applicant, the trade name under which the applicant does business, and the street address and telephone number of the business establishment from which the private ambulance service will be operated;
- (2) the form of business of the applicant and, if the business is a sole proprietorship, partnership, corporation, or association, a copy of the documents establishing the business and the name and address of each person with a direct interest in the business;
- (3) a statement of the nature and character of the service that the applicant proposes to provide, the facts showing the demand for the service, the experience that the applicant has had in providing such service, and the time period, if any, that the applicant provided such service within the city;
- (4) an identification and description of any revocation or suspension of a private ambulance service license held by the applicant or business before the date of filing the application;
- (5) the number and description of vehicles to be operated in the proposed service, including the year, make, model, vehicle identification number, and state license plate number and the class, size, design, and color scheme of each ambulance;
- (6) documentary evidence from an insurance company indicating a willingness to provide insurance as required by this article;
- (7) documentary evidence of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed service if the business establishment is located in the city;
- (8) a list, to be current at all times, of the owners and management personnel of the private ambulance service and of all employees who will participate in private ambulance service, including names, addresses, dates of birth, state driver's license numbers, and social security numbers;
- (9) a list of any claims or judgments against the applicant, other owners or management personnel, or employees for damages resulting from the negligent operation of an ambulance or any other vehicle;
- (10) proof of financial ability and responsibility of the applicant;
- (11) proof of a license from the Texas Department of Health to operate as an emergency medical services provider;
- (12) any other information determined by the director to be necessary to the implementation and enforcement of this article or to the protection of the public safety; and
- (13) a nonrefundable application processing fee of \$120.

(b) Reserved.

(c) A person desiring to engage in private ambulance service shall register with the director a trade name that clearly differentiates that person's company from all other companies engaging in private ambulance service and shall use no other trade name for the private ambulance service. (Ord. Nos. 21861; 27695; [30215](#))

SEC. 15D-9.1. PUBLIC HEARING; BURDEN OF PROOF.

(a) Upon receipt of an application for a private ambulance service license, the director shall promptly call a public hearing to consider the application. The director shall publish notice of the hearing once in the official newspaper of the city, and post notice of the hearing on the official bulletin board in the city hall, not less than five nor more than 15 days before the date of the hearing and shall give at least five days' written notice of the hearing to:

- (1) the applicant;
- (2) the fire department; and
- (3) the city secretary's office.

(b) At the public hearing, the director shall hear evidence from interested persons on relevant issues.

(c) The applicant for a license has the burden of proving that:

- (1) the public convenience and necessity require the proposed private ambulance service;
- (2) the applicant is qualified and financially able to provide the service proposed in the application;
- (3) the proposed fares and rates to be charged by the applicant are reasonable; and
- (4) the proposed operating procedures and type of service to be offered will not interfere with, or adversely affect, existing ambulance systems. (Ord. 21861)

SEC. 15D-9.2. LICENSE ISSUANCE; FEE; DISPLAY; TRANSFERABILITY.

(a) The director shall, within a reasonable time after the date of application, issue a private ambulance service license to an applicant who complies with the provisions of this article.

(b) A license issued to a private ambulance service authorizes the licensee and the licensee's bona fide employees to engage in private ambulance service.

(c) The annual fee for a private ambulance service license is \$445. The fee for issuing a duplicate license for one lost, destroyed, or mutilated is \$5. The fee is payable to the director upon issuance of a license. No refund of a license fee will be made.

(d) A private ambulance service license issued under this article must be conspicuously displayed in the private ambulance service's business establishment.

(e) A private ambulance service license, or any accompanying permit, badge, sticker, ticket, or emblem, is not assignable or transferable. (Ord. Nos. 21861; [30215](#))

SEC. 15D-9.3. EXPIRATION AND RENEWAL OF LICENSE.

(a) A private ambulance service license expires one year from the date of issuance. A licensee shall apply for a renewal at least 30 days before the expiration of the license. The director shall renew a license without a public hearing if, after investigation, the director determines that:

- (1) the licensee has performed satisfactorily under the terms of the license;
- (2) the service provided continues to be necessary and desirable; and
- (3) the licensee continues to comply with all requirements of this article.

(b) If, after investigation of a renewal application, the director determines that a statement in Subsection (a)(1), (2), or (3) is not

true, the director shall call a public hearing and consider the renewal in the same manner as an original application. (Ord. 21861)

SEC. 15D-9.4. REFUSAL TO ISSUE OR RENEW LICENSE.

(a) The director shall refuse to issue or renew a private ambulance service license if the director determines that the applicant or licensee:

- (1) made a false statement as to a material matter in an application for a license or license renewal, or in a hearing concerning the license;
- (2) was convicted twice within a 12-month period or three times within a 24-month period for violation of this article;
- (3) had a private ambulance service license suspended two times within the preceding 12 months or three times within the preceding 24 months, or revoked within the preceding 24 months;
- (4) failed to comply with any requirement of this article or any rule or regulation established by the director under this article;
- (5) was convicted for a violation of another city, state, or federal law or regulation that indicates lack of fitness of the applicant or licensee to operate a private ambulance service;
- (6) was convicted of any felony offense while holding a private ambulance service license;
- (7) used a trade name for a private ambulance service other than the one registered with the director; or
- (8) is not fit, willing, or able to operate a private ambulance service in accordance with the license, this article, rules and regulations established by the director under this article, and other applicable state and federal laws.

(b) If the director determines that a license should be denied the applicant or licensee, the director shall notify the applicant or licensee in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant or licensee of the right of appeal. (Ord. 21861)

SEC. 15D-9.5. SUSPENSION AND REVOCATION OF LICENSE.

(a) The director may suspend or revoke a private ambulance service license if the director determines that the licensee:

- (1) made a false statement as to a material matter in an application for a license or license renewal, or in a hearing concerning a license;
- (2) failed to comply with any provision of this article or any rule or regulation established by the director under this article;
- (3) was convicted for a violation of another city, state, or federal law or regulation that indicates lack of fitness of the licensee to operate a private ambulance service;
- (4) is under indictment for or was convicted of any felony offense while holding a private ambulance service license;
- (5) used a trade name for a private ambulance service other than the one registered for that service with the director;
- (6) is not fit, willing, or able to continue to operate a private ambulance service in accordance with the license, this article, rules and regulations established by the director under this article, and other applicable state and federal laws; or
- (7) failed to pay all fees required by this article.

(b) The director may suspend a private ambulance service license for a period not to exceed 60 days. At the end of the suspension period, the licensee may file with the director a written request for reinstatement of the license. The director shall determine if the deficiency causing the suspension has been corrected by the licensee and approve or deny reinstatement.

(c) The director shall notify the licensee in writing of a suspension or revocation under this section and include in the notice:

- (1) the reason for the suspension or revocation;
- (2) the date the suspension or revocation becomes effective;
- (3) the duration of a suspension; and

(4) a statement informing the licensee of the right of appeal.

(d) After receipt of a notice of suspension or revocation, the licensee shall, on the date specified in the notice, surrender the license to the director and discontinue operating a private ambulance service inside the city.

(e) Notwithstanding Subsection (d), if the licensee appeals a suspension or revocation under this section, the licensee may continue to operate a private ambulance service pending the appeal unless:

(1) the licensee fails to meet the minimum insurance requirements of Section 15D-9.26 of this article; or

(2) the director determines that continued operation by the licensee would impose a serious and imminent threat to the public safety.

(f) A person whose private ambulance service license is revoked shall not, before the expiration of 24 months from the date the director revokes the license or, in the case of an appeal, the date the permit and license appeal board affirms the revocation:

(1) apply for another private ambulance service license; or

(2) perform as an employee, representative, or ambulance personnel for a private ambulance service licensee. (Ord. 21861)

SEC. 15D-9.6. APPEAL FROM LICENSE SUSPENSION.

(a) If the director suspends a private ambulance service license, the action is final unless the licensee files an appeal, in writing, with the city manager within 10 business days after notice of suspension.

(b) The city manager or the city manager's designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make a ruling on the basis of a preponderance of the evidence presented at the hearing.

(c) The hearing officer may affirm, modify, or reverse all or part of the action of the director being appealed. The decision of the hearing officer is final. (Ord. 21861)

SEC. 15D-9.7. APPEAL FROM LICENSE DENIAL OR REVOCATION.

If the director denies an application for a license or license renewal, or revokes a license, the action is final unless the applicant or licensee files an appeal with the permit and license appeal board in accordance with Section 2-96 of this code. (Ord. 21861)

Division 4. Ambulance Personnel Permit.

SEC. 15D-9.8. AMBULANCE PERSONNEL PERMIT REQUIRED.

(a) A person commits an offense if he drives or acts as an attendant on a private ambulance within the city without a valid ambulance personnel permit issued under this article. It is a defense to prosecution under this subsection that the person was riding in the ambulance solely as an observer or as an ambulance personnel trainee.

(b) A private ambulance service licensee shall not employ, contract with, or otherwise allow a person to drive or act as an attendant on a private ambulance owned, controlled, or operated by the licensee unless the person has a valid ambulance personnel permit issued under this article. (Ord. 21861)

SEC. 15D-9.9. QUALIFICATION FOR AMBULANCE PERSONNEL PERMIT.

(a) To qualify for an ambulance personnel permit, an applicant must:

(1) be at least 18 years of age;

(2) be currently authorized to work full-time in the United States;

(3) hold a valid driver's license issued by the State of Texas;

(4) be able to communicate in the English language;

(5) have 20/20 vision in both eyes, with or without corrective lenses, and not be afflicted with a physical or mental disease or disability that is likely to prevent the person from exercising ordinary and reasonable control over a motor vehicle or that is likely to otherwise endanger the public health or safety;

(6) not have been convicted of more than four moving traffic violations arising out of separate transactions, nor involved in more than two motor vehicle accidents in which it could be reasonably determined that the applicant was at fault, within any 12-month period during the preceding 36 months;

(7) not have been convicted of a crime:

(A) involving:

(i) criminal homicide as described in Chapter 19 of the Texas Penal Code;

(ii) kidnapping as described in Chapter 20 of the Texas Penal Code;

(iii) a sexual offense as described in Chapter 21 of the Texas Penal Code;

(iv) an assaultive offense as described in Chapter 22 of the Texas Penal Code;

(v) robbery as described in Chapter 29 of the Texas Penal Code;

(vi) burglary as described in Chapter 30 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;

(vii) theft as described in Chapter 31 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;

(viii) fraud as described in Chapter 32 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;

(ix) tampering with a governmental record as described in Chapter 37 of the Texas Penal Code, but only if the offense was committed against a person with whom the applicant came in contact while engaged in private or emergency ambulance service;

(x) public indecency (prostitution or obscenity) as described in Chapter 43 of the Texas Penal Code;

(xi) the private, carrying, or possession of a weapon in violation of Chapter 46 of the Texas Penal Code, or of any comparable state or federal law, that is punishable as a felony under the applicable law;

(xii) a violation of the Dangerous Drugs Act (Article 4476-14, Vernon's Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law;

(xiii) a violation of the Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes), or of any comparable state or federal law, that is punishable as a felony under the applicable law; or

(xiv) criminal attempt to commit any of the offenses listed in Subdivision (7)(A)(i) through (xiii) of this subsection;

(B) for which:

(i) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the applicant was convicted of a misdemeanor offense;

(ii) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the applicant was convicted of a felony offense; or

(iii) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if, within any 24-month period, the applicant has two or more convictions of any misdemeanor offense or combination of misdemeanor offenses;

(8) not have been convicted of, or discharged by probation or deferred adjudication for, driving while intoxicated:

(A) within the preceding 12 months; or

(B) more than one time within the preceding five years;

(9) not be addicted to the use of alcohol or narcotics;

(10) be subject to no outstanding warrants of arrest;

(11) be sanitary and well-groomed in dress and person;

(12) be employed by a licensed private ambulance service;

(13) have successfully completed within the preceding 36 months a defensive driving course approved by the Texas Education Agency and be able to present proof of completion; and

(14) meet all standards and requirements for emergency medical services personnel set forth in the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended, and be currently certified by and registered with the Texas Department of Health as either a basic emergency medical technician, a specially skilled emergency medical technician, or a paramedic emergency medical technician.

(b) An applicant who has been convicted of an offense listed in Subsection (a)(7) or (8), for which the required time period has elapsed since the date of conviction or the date of release from confinement imposed for the conviction, may qualify for an ambulance personnel permit only if the director determines that the applicant is presently fit to engage in the occupation of ambulance personnel for a private ambulance service. In determining present fitness under this section, the director shall consider the following:

(1) the extent and nature of the applicant's past criminal activity;

(2) the age of the applicant at the time of the commission of the crime;

(3) the amount of time that has elapsed since the applicant's last criminal activity;

(4) the conduct and work activity of the applicant prior to and following the criminal activity;

(5) evidence of the applicant's rehabilitation or rehabilitative effort while incarcerated or following release; and

(6) other evidence of the applicant's present fitness, including letters of recommendation from prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the applicant; the sheriff and chief of police in the community where the applicant resides; and any other persons in contact with the applicant.

(c) It is the responsibility of the applicant, to the extent possible, to secure and provide to the director the evidence required to determine present fitness under Subsection (b) of this section and under Section 15D-9.15 of this article.

(d) As an additional qualification for an ambulance personnel permit, the director may require the applicant to pass an examination testing general knowledge of traffic laws and the geography of the city. (Ord. 21861)

SEC. 15D-9.10. APPLICATION FOR AMBULANCE PERSONNEL PERMIT.

To obtain an ambulance personnel permit or renewal of an ambulance personnel permit, a person must file with the director a completed written application on a form provided for that purpose and a nonrefundable application fee of \$64. The director shall require each application to state any information the director considers necessary to determine whether an applicant is qualified. (Ord. Nos. 21861; 25048; 27695; [30215](#))

SEC. 15D-9.11. INVESTIGATION OF APPLICATION.

(a) For the purpose of determining qualification under Section 15D-9.9(a)(5) for a permit or permit renewal, the director may require an applicant to submit to a physical examination conducted by a licensed physician, at the applicant's expense, and to furnish to the director a signed statement from the physician certifying that the physician has examined the applicant and that in the physician's professional opinion the applicant is qualified under Section 15D-9.9(a)(5).

(b) Upon request of the director, the police department shall investigate each applicant and furnish the director a report concerning the applicant's qualification under Section 15D-9.9. The municipal court shall furnish the director a copy of the applicant's motor vehicle driving record and a list of any warrants of arrest for the applicant that might be outstanding.

(c) The director may conduct any other investigation as the director considers necessary to determine whether an applicant for an ambulance personnel permit is qualified. (Ord. 21861)

SEC. 15D-9.12. ISSUANCE AND DENIAL OF AMBULANCE PERSONNEL PERMIT.

(a) If the director determines that an applicant is qualified, the director shall issue an ambulance personnel permit to the applicant. An ambulance personnel permit, or any accompanying badge, sticker, ticket, or emblem, is not assignable or transferable.

(b) The director shall delay until final adjudication the approval of the application of any applicant who is under indictment for or has charges pending for:

(1) a felony offense involving a crime described in Section 15D-9.9(a)(7)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses; or

(2) any offense involving driving while intoxicated.

(c) The director shall deny the application for an ambulance personnel permit if the director determines that the applicant:

(1) is not qualified under Section 15D-9.9;

(2) refuses to submit to or does not pass a medical examination authorized under Section 15D-9.11(a) or a written examination authorized under Section 15D-9.9(d);

(3) makes a false statement of a material matter in an application for an ambulance personnel permit or permit renewal, or in a hearing concerning the permit; or

(4) fails to comply with this article or any rule or regulation established by the director under this article.

(d) If the director determines that an ambulance personnel permit should be denied the applicant, the director shall notify the applicant in writing that the application is denied and include in the notice the reason for denial and a statement informing the applicant of the right of appeal. (Ord. 21861)

SEC. 15D-9.13. EXPIRATION OF PERMIT; VOIDANCE UPON SUSPENSION OR REVOCATION OF STATE DRIVER'S LICENSE.

(a) Except in the case of a provisional or probationary permit, an ambulance personnel permit expires one year from the date of issuance.

(b) If a permittee's state driver's license is suspended or revoked by the state, the ambulance personnel permit automatically becomes void. A permittee shall notify the director and the licensee for whom the permittee drives within three days of a suspension or revocation of a state driver's license and shall immediately surrender the ambulance personnel permit to the director and cease to drive or act as an attendant on a private ambulance. (Ord. 21861)

SEC. 15D-9.14. PROVISIONAL PERMIT.

(a) The director may issue a provisional ambulance personnel permit if the director determines that:

(1) the number of ambulance personnel is inadequate to meet the city's need for private ambulance service, in which case he may issue the number necessary to meet the need; or

(2) it is necessary to allow the director to complete investigation of an applicant for an ambulance personnel permit.

(b) A provisional ambulance personnel permit expires on the date shown on the permit, which date shall not exceed 45 days after the date of issuance, or upon the applicant's being denied an ambulance personnel permit, whichever occurs first.

(c) The director shall not issue a provisional permit to a person who has been previously denied an ambulance personnel permit. (Ord. 21861)

SEC. 15D-9.15. PROBATIONARY PERMIT.

(a) The director may issue a probationary ambulance personnel permit to an applicant who is not qualified for an ambulance personnel permit under Section 15D-9.9 if the applicant:

(1) could qualify under Section 15D-9.9 for an ambulance personnel permit within one year from the date of application;

(2) holds a valid state driver's license or occupation driver's license; and

(3) is determined by the director, using the criteria listed in Section 15D-9.9(b) of this article, to be presently fit to engage in the occupation of ambulance personnel.

(b) A probationary permit may be issued for a period not to exceed one year.

(c) The director may prescribe appropriate terms and conditions for a probationary permit as the director determines are necessary. (Ord. 21861)

SEC. 15D-9.16. DUPLICATE PERMIT.

If an ambulance personnel permit is lost, destroyed, or mutilated, the director may issue the permittee a duplicate permit upon receiving payment of a duplicate permit fee of \$40. (Ord. Nos. 21861; 25048; 27695; [30215](#))

SEC. 15D-9.17. DISPLAY OF PERMIT.

A permittee shall keep an ambulance personnel permit in the permittee's possession at all times while on duty. The permittee shall allow the director, the fire chief, or a peace officer to examine the ambulance personnel permit upon request. (Ord. 21861)

SEC. 15D-9.18. SUSPENSION BY A DESIGNATED REPRESENTATIVE.

(a) If a representative designated by the director to enforce this article determines that a permittee has failed to comply with this article (except Section 15D-9.9) or a regulation established under this article, the representative may suspend the ambulance personnel permit for a period of time not to exceed three days by personally serving the permittee with a written notice of the suspension. The notice must include:

- (1) the reason for suspension;
- (2) the date the suspension begins;
- (3) the duration of the suspension; and
- (4) a statement informing the permittee of the right of appeal.

(b) A suspension under this section may be appealed to the director if the permittee requests an appeal at the time the representative serves notice of the suspension. When an appeal is requested, the suspension may not take effect until a hearing is provided by the director.

(c) The director may order an expedited hearing under this section, to be held as soon as possible after the permittee requests an appeal. The director may affirm, reverse, or modify the order of the representative. The decision of the director is final. (Ord. 21861)

SEC. 15D-9.19. SUSPENSION OF AMBULANCE PERSONNEL PERMIT.

(a) If the director determines that a permittee has failed to comply with this article (except Section 15D-9.9) or a regulation established under this article, the director may suspend the ambulance personnel permit for a definite period of time not to exceed 60 days.

(b) If at any time the director determines that a permittee is not qualified under Section 15D-9.9, or is under indictment or has charges pending for any offense involving driving while intoxicated or a felony offense involving a crime described in Section 15D-9.9(a)(7)(A)(i), (ii), (iii), (iv), or (v) or criminal attempt to commit any of those offenses, the director shall suspend the ambulance personnel permit until the director determines that the permittee is qualified or that the charges against the permittee have been finally adjudicated.

(c) A permittee whose ambulance personnel permit is suspended shall not drive or act as an attendant on a private ambulance within the city during the period of suspension.

(d) The director shall, in writing, notify the permittee and the licensee employing the permittee of a suspension under this section. The notice must include:

- (1) the reason for the suspension;
- (2) the date the director orders the suspension to begin;
- (3) the duration of the suspension or if it is under Subsection (b); and
- (4) a statement informing the permittee of the right of appeal.

(e) The period of suspension begins on the date specified by the director or, in the case of an appeal, on the date ordered by the appeal hearing officer. (Ord. 21861)

SEC. 15D-9.20. REVOCATION OF AMBULANCE PERSONNEL PERMIT.

(a) The director may revoke an ambulance personnel permit if the director determines that the permittee:

- (1) drove or acted as an attendant on a private ambulance within the city during a period in which the permittee's ambulance personnel permit was suspended;
- (2) made a false statement of a material matter in an application for an ambulance personnel permit or permit renewal, or in a hearing concerning the permit;
- (3) engaged in conduct that constitutes a ground for suspension under Section 15D-9.19 and received either a suspension in excess of three days or a conviction for violation of this article, two times within the 12-month period preceding the conduct or three times within the 24-month period preceding the conduct;
- (4) engaged in conduct that could reasonably be determined to be detrimental to the public safety;
- (5) failed to comply with a condition of a probationary permit; or
- (6) is under indictment for or was convicted of any felony offense while holding an ambulance personnel permit.

(b) A person whose ambulance personnel permit is revoked shall not:

- (1) apply for another ambulance personnel permit before the expiration of 12 months from the date the director revokes the permit or, in the case of an appeal, the date the appeal hearing officer affirms the revocation; or
- (2) drive or act as an attendant on any private ambulance within the city.

(c) The director shall, in writing, notify the permittee and the licensee employing the permittee of a revocation. The notice shall include:

- (1) the reason for the revocation;
- (2) the date the director orders the revocation; and
- (3) a statement informing the permittee of the right of appeal. (Ord. 21861)

SEC. 15D-9.21. PRIVATE AMBULANCE OPERATION AFTER SUSPENSION, REVOCATION, OR DENIAL OF PERMIT RENEWAL.

(a) After receiving notice of suspension or revocation of a permit or denial of a permit renewal, the permittee shall, on the date specified in the notice, surrender the ambulance personnel permit to the director and discontinue driving or acting as an attendant on a private ambulance within the city.

(b) Notwithstanding Section 15D-9.19(c), Section 15D-9.20(b)(2), and Subsection (a) of this section, if the permittee appeals the suspension or revocation of an ambulance personnel permit, the permittee may continue to drive or act as an attendant on a private ambulance within the city pending the appeal unless:

- (1) the permittee is not qualified under Section 15D-9.9; or
- (2) the director determines that continued operation by the permittee would impose an immediate threat to the public safety. (Ord. 21861)

SEC. 15D-9.22. APPEAL OF DENIAL, SUSPENSION, OR REVOCATION.

- (a) A person may appeal a denial of an ambulance personnel permit or permit renewal, suspension of an ambulance personnel permit, or revocation of an ambulance personnel permit, if the person requests an appeal in writing, delivered to the city manager not more than 10 business days after notice of the director's action is received.
- (b) The city manager or the city manager's designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make a ruling on the basis of a preponderance of the evidence presented at the hearing.
- (c) The hearing officer may affirm, modify, or reverse all or part of the action of the director being appealed. The decision of the hearing officer is final as to available administrative remedies. (Ord. 21861)

SEC. 15D-9.23. CURRENT MAILING ADDRESS OF PERMITTEE.

A person issued an ambulance personnel permit shall maintain a current mailing address on file with the director. The permittee shall notify the director of any change in this mailing address within 10 business days of the change. (Ord. 21861)

Division 5. Miscellaneous Regulations.

SEC. 15D-9.24. DUTY OF LICENSEE AND PERMITTEE TO COMPLY.

- (a) Licensee. In the operation of a private ambulance service, a licensee shall comply with the terms and conditions of the license, lawful orders of the director, this article, rules and regulations established under this article, and other city ordinances and state and federal laws applicable to the operation of a private ambulance service.
- (b) Permittee. While driving or acting as an attendant on a private ambulance within the city, a permittee shall comply with the terms and conditions of the permit, this article, rules and regulations established under this article, other city ordinances and state and federal laws applicable to the operation of a motor vehicle and applicable to emergency medical services personnel, lawful orders of the director, and orders issued by the private ambulance service licensee employing the permittee in connection with the licensee's discharge of duties under the license and this article. (Ord. 21861)

SEC. 15D-9.25. LICENSEE'S DUTY TO ENFORCE COMPLIANCE BY PERMITTEES.

- (a) A private ambulance service licensee shall establish policy and take action to discourage, prevent, or correct violations of this article by ambulance personnel who are employed by the licensee.
- (b) A private ambulance service licensee shall not allow any ambulance personnel employed by the licensee to operate a private ambulance within the city if the licensee knows or has reasonable cause to suspect that the ambulance personnel has failed to comply with this article, rules and regulations established by the director, or other applicable law. (Ord. 21861)

SEC. 15D-9.26. INSURANCE.

- (a) A licensee shall procure and keep in full force and effect automobile liability insurance, malpractice insurance, and commercial general liability insurance written by an insurance company approved by the State of Texas and acceptable to the city and issued in the standard form approved by the Texas Department of Insurance. All provisions of the policies must be acceptable to the city. The insured provisions of each policy must name the city and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a private ambulance service by the licensee.
- (b) The automobile liability insurance must provide combined single limits of liability for bodily injury and property damage of not less than \$300,000 for each occurrence, or the equivalent, for each ambulance used by the licensee, with a maximum deductible not to exceed the amount allowed by the Texas Safety Responsibility Act (6701h, Vernon's Texas Civil Statutes), as amended. The insurance must include uninsured and underinsured motorist coverage in amounts of not less than \$20,000 per person and \$40,000 per accident for bodily injury and \$15,000 per accident for property damage, or the equivalent. Aggregate limits of liability are prohibited.

(c) The malpractice insurance must provide limits of liability of not less than \$300,000 for each claim, or the equivalent.

(d) The commercial general liability insurance must be broad form and provide limits of liability for bodily injury and property damage of not less than \$300,000 combined single limit, or the equivalent.

(e) If a vehicle is removed from service, the licensee shall maintain the insurance coverage required by this section for the vehicle until the director receives satisfactory proof that all evidence of operation as an ambulance has been removed from the vehicle.

(f) Insurance required under this section must include:

(1) a cancellation provision in which the insurance company is required to notify the director in writing not fewer than 10 days before canceling, failing to renew, or making a material change to the insurance policy; and

(2) a provision to cover all vehicles, whether owned or not owned by the licensee, operated under the private ambulance service license.

(g) A license will not be granted or renewed unless the applicant or licensee furnishes the director with such proof of insurance as the director considers necessary to determine whether the applicant or licensee is adequately insured under this section.

(h) If the insurance of a licensee lapses or is canceled and new insurance is not obtained, the director shall suspend the license until the licensee provides evidence that insurance coverage required by this section has been obtained. A person shall not operate a private ambulance service while a license is suspended under this section whether or not the action is appealed. A \$100 fee must be paid before a license suspended under this section will be reinstated. (Ord. 21861)

Division 6. Service Rules and Regulations.

SEC. 15D-9.27. PRIVATE AMBULANCE SERVICE.

(a) Each private ambulance service licensee shall:

(1) be available to provide private ambulance service at least Monday through Friday from 8:30 a.m. to 5:00 p.m., except on legal holidays; and

(2) have a working, publicly-listed telephone that must be physically answered by the licensee or an employee 24 hours a day.

(b) A licensee shall provide the director with not less than 10 days' written notice prior to any change in the business address or telephone number of the private ambulance service.

(c) A licensee who experiences interruption of telephone service to the place of business shall notify the director immediately. (Ord. 21861)

SEC. 15D-9.28. APPAREL TO BE WORN BY AMBULANCE PERSONNEL.

(a) A licensee shall specify and require an item of apparel or an item placed on the apparel to be worn by ambulance personnel employed by the licensee, which item must be of such distinctive and uniform design as to readily identify the licensee's service and must bear the name of the licensee's service. The item specified by each licensee must be approved by the director to ensure that ambulance personnel of one licensee may be easily distinguished from ambulance personnel of another and to ensure the neat appearance of ambulance personnel.

(b) While on duty, ambulance personnel shall wear the item specified by the licensee who employs the ambulance personnel and shall comply with such other identification regulations prescribed in the private ambulance service license. (Ord. 21861)

SEC. 15D-9.29. RECORDS AND REPORTS OF PRIVATE AMBULANCE SERVICE.

(a) Each licensee shall maintain at a single location accurate business records of the private ambulance service. A licensee shall make records available for inspection by the director upon request. (Ord. 21861)

SEC. 15D-9.30. MISCELLANEOUS OFFENSES.

(a) A person commits an offense if he:

(1) intentionally follows any police car or fire apparatus that is traveling in response to an emergency call with red lights and siren or intentionally follows any ambulance to or near the scene of an emergency call;

(2) by word or gesture, solicits on a public street within the city the business of transporting a sick, injured, or deceased person for compensation;

(3) intentionally informs the fire alarm dispatcher, police dispatcher, or other fire or police official that an ambulance or more than one ambulance is needed at a location or address when the person knows that such a statement is false; or

(4) operates a private ambulance or uses any equipment in providing private ambulance service that fails to comply with all minimum safety and equipment standards required for a basic life support vehicle by the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended, or by any rule or regulation promulgated under that act.

(b) A licensee or permittee commits an offense if he:

(1) causes, induces, or seeks to induce, without good cause, a change of destination to or from a hospital or other place specified by the person requesting private ambulance service; or

(3) operates or permits the operation of a private ambulance on an emergency run or in response to an emergency call or with the use of red lights and sirens, without obtaining permission from the fire alarm dispatcher. (Ord. 21861)

Division 7. Vehicles and Equipment.

SEC. 15D-9.31. INSPECTION OF PRIVATE AMBULANCES AND EQUIPMENT.

(a) A licensee shall only provide private ambulance service with vehicles designed and constructed to transport sick and injured persons in comfort and safety. A licensee shall maintain vehicles in safe mechanical condition and shall maintain the interior and exterior of the vehicles in good repair and in a clean, sanitary condition.

(b) A licensee or applicant for a license shall have each vehicle to be used in private ambulance service inspected in a manner approved by the director before issuance of a license and at such other times as may be ordered by the director. Inspection must determine safety of the vehicle, condition of maintenance, and compliance with state and federal laws.

(c) The fee for each inspection of each vehicle to be operated under a private ambulance service license is \$131.

(d) If a vehicle is involved in an accident or collision during the term of the license, the licensee shall notify the director within five days after the accident or collision. Before operating the vehicle again under the license, a licensee shall have the vehicle reinspected for safety and shall send to the director a sworn affidavit that the vehicle has been restored to its previous condition.

(e) The director shall designate the time and place for annual inspection of vehicles operated under a license. If the director designates someone other than a city employee to perform the inspection, the applicant or licensee shall bear the reasonable cost of inspection.

(f) A licensee may contract for maintenance but shall be responsible for maintaining all vehicles operated under the license in safe operating condition. (Ord. Nos. 21861; 25048; [30215](#))

SEC. 15D-9.32. VEHICLES AND EQUIPMENT.

(a) The licensee, owner, or permittee of a private ambulance shall provide and maintain in the vehicle all equipment required by the director, which shall be specified in the private ambulance service license.

(b) Each vehicle must have:

(1) a paint scheme that has been approved by the director;

(2) the trade name of the company and the equipment number permanently affixed in a manner and location approved by the director; and

(3) a decal complying with Section 15D-9.33.

(c) Each private ambulance must be licensed as an emergency medical services vehicle with the Texas Department of Health. Each private ambulance and all private ambulance equipment must comply with all applicable federal and state motor vehicle safety standards and with the standards for emergency medical services vehicles set forth in the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended. All safety mechanisms on each vehicle must be operative and in good repair, including, but not limited to, headlights, taillights, turn signals, brakes, brakelights, emergency lights, windshield wipers, wiper blades, handles opening doors and windows, tires, and spare tires.

(d) Each private ambulance, while on an ambulance call, must be accompanied by at least two ambulance personnel permitted under this article. One of the ambulance personnel shall serve as the driver while the other remains in attendance on the sick or injured patient.

(e) Clean and sanitary bed linens must be provided on each private ambulance for each patient carried. Bed linens must be changed as soon as practical after the discharge of a patient, but before picking up another patient. (Ord. 21861)

SEC. 15D-9.33. DECALS.

(a) A licensee shall obtain from the director a decal indicating a private ambulance's authority to operate in the city. The decal must be attached to each vehicle in a manner and location approved by the director.

(b) The director may cause a decal to be removed from a private ambulance that at any time fails to meet the minimum standards for appearance, condition, age, or equipment. The fee for reissuance of a decal to a private ambulance from which a decal has been removed by the director is \$10. The fee for a duplicate decal for one lost, destroyed, or mutilated, is \$5.

(c) A person commits an offense if he:

- (1) operates a private ambulance in the city with an expired decal or with no decal affixed to it; or
- (2) attaches a decal to a vehicle not authorized to operate as a private ambulance in the city. (Ord. 21861)

Division 8. Enforcement.

SEC. 15D-9.34. AUTHORITY TO INSPECT.

The director, the fire chief, or a peace officer may inspect a private ambulance service operating in the city to determine whether the service complies with this article, rules and regulations established by the director under this article, and other applicable law. (Ord. 21861)

SEC. 15D-9.35. ENFORCEMENT BY POLICE DEPARTMENT.

Officers of the police department shall assist in the enforcement of this article. A police officer, upon observing a violation of this article or the rules and regulations established by the director under this article, shall take necessary enforcement action to insure effective regulation of private ambulance service. (Ord. 21861)

SEC. 15D-9.36. CORRECTION ORDER.

(a) If the director determines that a licensee is in violation of the terms of the license, this article, the rules and regulations established by the director under this article, a lawful order of the director, or other applicable law, the director may notify the licensee in writing of the violation and by written order direct the licensee to correct the violation within a reasonable period of time. In setting the time for correction, the director shall consider the degree of danger to the public health or safety and the nature of the violation. If the violation involves equipment that is unsafe or functioning improperly, the director shall order the licensee to immediately cease use of the equipment.

(b) If the director determines that a violation is an imminent and serious threat to the public health or safety, the director shall order the licensee to correct the violation immediately. If the licensee fails to comply, the director shall promptly take or cause to be taken any action he considers necessary to the immediate enforcement of the order.

(c) The director shall include in a notice issued under this section:

- (1) an identification of the violation;
- (2) the date of issuance of the notice;
- (3) the time period within which the violation must be corrected;
- (4) a warning that failure to comply with the order may result in suspension or revocation of the license, imposition of a fine, or both; and
- (5) a statement indicating that the order may be appealed to the city manager. (Ord. 21861)

SEC. 15D-9.37. SERVICE OF NOTICE.

(a) A private ambulance service licensee shall designate and maintain a representative to:

- (1) receive service of notice required under this article to be given a licensee; and
- (2) serve notice required under this article to be given an ambulance personnel permittee employed by a licensee.

(b) Notice required under this article to be given:

(1) a licensee must be personally served by the director on the licensee or the licensee's designated representative or served by certified United States mail, five-day return receipt requested, to the address last known to the director of the person to be notified, or to the designated representative of the licensee;

(2) a permittee must be personally served by the director or served by certified United States mail, five-day return receipt requested, to the address last known to the director of the person to be notified, or to the designated representative for the permittee; or

(3) a person other than a permittee or a licensee under this article may be served in the manner prescribed by Subsection (b)(2) of this section.

(c) Service executed in accordance with this section constitutes notice to the person to whom the notice is addressed. The date of service for a notice that is mailed is the date of receipt. (Ord. 21861)

SEC. 15D-9.38. APPEAL.

(a) A licensee may appeal a correction order issued under Section 15D-9.36 if an appeal is requested in writing not more than 10 days after notice of the order or action is received.

(b) The city manager or the city manager's designated representative shall act as the appeal hearing officer in an appeal hearing under this section. The hearing officer shall give the appealing party an opportunity to present evidence and make argument. The formal rules of evidence do not apply to an appeal hearing under this section, and the hearing officer shall make a ruling on the basis of a preponderance of evidence presented at the hearing.

(c) The hearing officer may affirm, modify, or reverse all or a part of the order of the director. The decision of the hearing officer is final. (Ord. 21861)

SEC. 15D-9.39. CRIMINAL OFFENSES; DEFENSES.

(a) A person commits an offense if he violates or attempts to violate a provision of this article applicable to him. A culpable mental state is not required for the commission of an offense under this article unless the provision defining the conduct expressly requires a culpable mental state. A separate offense is committed each time an offense occurs. An offense committed under this article is punishable by a fine of not less than \$100 nor more than \$2,000.

(b) It is a defense to prosecution under this article that a person or vehicle was transporting a deceased person within the city solely for:

- (1) a funeral home for the purpose of burial or preparation for burial; or
- (2) a county medical examiner's office.

(c) It is a defense to prosecution under Section 15D-7(a), (c), and (d); Section 15D-9.8; Section 15D-9.32(a), (b), (d), and (e); and Section 15D-9.33(c)(1) that a private ambulance service was only picking up a sick, injured, or deceased person at a health care facility within the city for the purpose of transporting that person by private ambulance to a location outside the city pursuant to the terms of a subscription program for emergency medical services approved by the Texas Board of Health in accordance with Section 773.011 of the Texas Health and Safety Code, as amended, provided that:

- (1) the sick, injured, or deceased person was a prepaid subscriber to the program operated by the private ambulance service;
 - (2) the sick, injured, or deceased person was originally transported from a location outside the city to a health care facility within the city by the same private ambulance service;
 - (3) the private ambulance service does not have a place of business located within any county in which the city of Dallas is incorporated;
 - (4) the private ambulance service complies with all state requirements for emergency medical services providers, emergency medical services personnel, and private ambulances; and
 - (5) the private ambulance service does not pick up sick, injured, or deceased persons in the city more than 15 times within any 12-month period.
- (d) Prosecution of an offense under Subsection (a) does not prevent the use of other enforcement remedies or procedures applicable to the person charged with or the conduct involved in the offense. (Ord. 21861)