

Chapter 485

1983 REPLACEMENT PART

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BUSSES GENERALLY

485.010 Definitions for ORS 485.010 to 485.060. As used in ORS 485.010 to 485.060:

(1) "Bus" means a school bus or worker transport bus.

(2) "Public highway" means every street, alley, road, highway and thoroughfare in this state used by the public and dedicated or appropriated to public use.

(3) "School children" means any students going to or from any school or authorized school activity or function.

(4) "School bus" means any motor vehicle that meets all the following provisions:

(a) Complies with standards relating to school bus construction and school bus equipment adopted by the Department of Education;

(b) Is marked in the front and in the rear, in letters eight inches high or higher and of proportionate width, with the words "School Bus";

(c) Is transporting school children, with or without their instructors, to or from school or an authorized school activity or function; and

(d) Is not subject to ORS chapter 767 or regulated by a city under ORS 221.420.

(5) "Worker transport bus" means a motor vehicle that:

(a) Is equipped with a flashing red warning light;

(b) Is furnished by an employer as defined in ORS 485.310 (2);

(c) Has a seating capacity of 12 or more passengers;

(d) Is transporting one or more workers, as defined in ORS 485.310 (7), to and from their places of employment, as defined in ORS 485.310 (5); and

(e) Is subject to the provisions of ORS 485.310 to 485.420. [Amended by 1955 c.287 §31; 1961 c.546 §2; 1965 c.458 §3; 1971 c.607 §5; 1973 c.238 §1; 1975 c.451 §274; 1977 c.493 §4]

485.020 [1959 c.304 §2; 1961 c.546 §3; 1971 c.607 §6; repealed by 1975 c.451 §291]

485.025 Operation of flashing red lights on certain busses. (1) A driver of a school bus, worker transport bus or a bus issued a permit under ORS 483.433 shall only operate its flashing red warning lights when the driver is stopping the bus or has stopped the bus:

(a) For the purpose of loading or unloading school children, any worker as defined in ORS 485.310 (7) or children being transported to or

from religious services or an activity or function authorized by a religious organization; or

(b) In a place that obstructs other drivers' ability to see the flashing red warning lights on another bus.

(2) Notwithstanding subsection (1) of this section, a driver of a bus described in subsection (1) of this section shall not operate its flashing red warning lights if the bus is stopping or has stopped:

(a) At an intersection where traffic is controlled by electrical traffic control signals, other than flashing signals, or by a police officer; or

(b) At a loading or unloading area where the bus is completely off the roadway.

(3) A person who operates the flashing red warning lights of a school bus, worker transport bus or bus issued a permit under ORS 483.433 at a time not permitted under this section commits a Class C traffic infraction. [1975 c.451 §173; 1981 c.378 §1]

SCHOOL BUSES

485.027 Capacity and use as determining school bus status. On and after September 1, 1978, any vehicle with a seating capacity of more than 15 persons used to transport pupils to and from school shall be a school bus as defined in ORS 485.010. [1977 c.493 §3]

Note: 485.027 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 485 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

485.030 School bus markings. No person shall display the words "School Bus" on a vehicle that is not a school bus as defined in ORS 485.010. [Amended by 1961 c.546 §4; 1971 c.607 §7; 1973 c.238 §2]

485.040 [Repealed by 1961 c.546 §10]

485.050 Regulations governing school busses and drivers. Subject to any other statute or regulation pursuant thereto relating to construction or equipment of vehicles, the Department of Education shall adopt such reasonable standards relating to school bus construction and school bus equipment, consistent with minimum uniform national standards, as the department deems necessary for safe and economical operation. Subject to ORS 482.630 or any other statute or regulation pursuant thereto relating to safety of operation, qualifications or training of drivers, accident reports and intervals of inspection, the department shall also adopt and enforce such rules and regulations relating to

the safety of operation, special qualifications and special training of drivers, special accident reports and intervals of inspection, as the department deems proper and necessary, for all vehicles used in transporting school children, with or without their instructors, to or from school or authorized school activities or functions.

[Amended by 1961 c.546 §1]

485.055 Drivers and vehicles transporting pupils subject to regulation; exception. (1) Drivers transporting school pupils to and from authorized school activities shall be subject to the rules of the Department of Education relating to school bus drivers. Vehicles used for transporting school pupils to and from authorized school activities shall come under the rules of the Department of Education relating to school bus inspection.

(2) This section does not apply to drivers or vehicles under regulation of the Public Utility Commissioner of Oregon, the United States Department of Transportation or the Interstate Commerce Commission or to vehicles or drivers of vehicles with a seating capacity of 15 or fewer persons. [1977 c.493 §2]

485.060 School bus license plates; revocation. The Motor Vehicles Division shall issue license plates for a motor vehicle used in transporting students, with or without their instructors, to or from school or authorized school activities or functions or activities or functions under the sponsorship of the State Board of Higher Education when notified by the Department of Education regarding busses under its regulatory authority or the State Board of Higher Education regarding vehicles under its jurisdiction or their authorized representatives that the vehicle conforms to the rules adopted by the Department of Education or the State Board of Higher Education, as the case may be, and is safe for operation upon the public highways. Any failure to continue to maintain and operate a motor vehicle used for this purpose in accordance with such rules or any failure to operate the vehicle safely upon the public highways is sufficient cause for the revocation of the license plates. [Amended by 1961 c.546 §5; 1965 c.458 §1; 1977 c.493 §5]

VEHICLES USED TO TRANSPORT WORKERS

485.310 Definitions for ORS 485.310 to 485.420. As used in ORS 485.310 to 485.420 and 485.990 (2) and (3), unless the context requires otherwise:

(1) "Division" means the Motor Vehicles Division of the Department of Transportation.

(2) "Employer" means an individual who employs or uses two or more workers.

(3) "Motor vehicle" means any vehicle which is self-propelled.

(4) "Owner" means the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement, or a lease for a term of 10 or more successive days.

(5) "Place of employment" means that location where one or more workers are actually performing the labor incident to their employment.

(6) "Safety code" means the compilation of rules embodying the minimum standards adopted under ORS 485.340.

(7) "Worker" means an individual employed for any period in any work for which he is compensated, whether full or part time. [1959 c.304 §1; 1965 c.343 §18]

485.320 Safe operation and maintenance required. (1) Every motor vehicle furnished by an employer and used to transport one or more workers to and from their places of employment shall be maintained in a safe condition and operated in a safe manner at all times, whether or not used upon a public highway, including passenger automobiles and station wagons operated by or on behalf of employers.

(2) Every motor vehicle that is exempt from ORS chapter 767 by ORS 767.025 (13) shall be maintained in a safe condition and operated in a safe manner at all times. [1959 c.304 §2; 1974 s.s. c.38 §3; 1977 c.253 §42; 1981 c.800 §3]

485.330 [1959 c.304 §12; repealed by 1973 c.833 §48]

485.340 Safety code; minimum standards. The Motor Vehicles Division shall make and enforce reasonable rules relating to motor vehicles that are subject to ORS 485.320. These rules shall be embodied in a safety code, and shall establish minimum standards:

(1) For the construction and mechanical equipment of a motor vehicle, including its coupling devices, lighting devices and reflectors, motor exhaust system, rear-vision mirrors, service and parking brakes, steering mechanism, tires, warning and signaling devices and windshield wipers.

(2) For the operation of a motor vehicle, including driving rules, loading and carrying

freight and passengers, maximum daily hours of service by drivers, minimum age and skill of drivers, physical condition of drivers, refueling, road warning devices and the transportation of gasoline and explosives.

(3) For the safety of passengers in a motor vehicle, including emergency exits, fire extinguishers, first aid kits, means of ingress and egress, side walls, and a tailgate or other means of retaining freight and passengers within the motor vehicle. [1959 c.304 §3; 1974 s.s. c.38 §4]

485.350 Preparing and distributing tentative draft of safety code; consultation; notice of hearings. (1) Before formulating a draft of the safety code, the division shall invite the participation of interested state agencies and representative business, farm, labor and safety organizations. These groups may make suggestions relating to the minimum standards to be embodied in the safety code. The division shall consider the suggestions and prepare a tentative draft of the safety code.

(2) Upon the fixing of dates and places for hearings to consider the tentative draft, the division shall cause notices of the hearings to be published in one or more daily newspapers of general circulation published and circulated in the City of Portland and in such other newspapers of general circulation in this state as will give wide notices of the hearings and in addition shall cause copies of the tentative draft to be widely distributed among representative business, farm, labor and safety organizations and among interested individuals. Any individuals or groups may participate in the hearings, and submit their comments and suggestions relating to the minimum standards embodied in the tentative draft. [1959 c.304 §4]

485.360 Adoption of safety code; notice; distribution. (1) Notice of the adoption and issuance of the safety code shall be given in the same manner as notices of the hearings.

(2) The division shall cause copies of the safety code and amendments thereto to be widely distributed among interested state agencies, among representative business, farm, labor and safety organizations and among interested individuals. [1959 c.304 §5]

485.370 Amending safety code. The division may amend the safety code at any time upon its own motion or upon complaint by any individual or group, in the same manner as the safety code was prepared, adopted and distributed under ORS 485.350 and 485.360. [1959 c.304 §6]

485.380 Effect of erroneous notice. No defect or inaccuracy in a notice or in the publication thereof shall invalidate the safety code or any amendment thereto adopted and issued by the division. [1959 c.304 §7]

485.390 Inspection of vehicles. The division may, in enforcing the safety code, inspect any motor vehicle that is subject to ORS 485.320. Upon request, the Superintendent of State Police shall assist the division in these inspections. [1959 c.304 §8; 1974 s.s. c.38 §5]

485.400 Orders regarding noncomplying vehicles or drivers. Whenever the division finds that a motor vehicle that is subject to ORS 485.320 violates any provision of the safety code or an amendment thereto, the division shall make, enter and serve upon the owner of the motor vehicle such order as may be necessary to protect the safety of persons transported in the motor vehicle. The division may direct in the order, as a condition to the continued use of the motor vehicle for authorized purposes, that such additions, repairs, improvements or changes be made and such safety devices and safeguards be furnished and used as are reasonably required to satisfy the requirements of the safety code, in the manner and within the time specified in the order. The order may also require that any driver of the motor vehicle satisfy the minimum standards for a driver under the safety code. [1959 c.304 §9; 1974 s.s. c.38 §6]

485.410 Judicial review of orders. Any person aggrieved by an order of the division under ORS 485.400 may appeal under the provisions of ORS 183.480. [1959 c.304 §11]

485.420 Enforcement. The Motor Vehicles Division and the Workers' Compensation Department shall have concurrent jurisdiction in the adoption and enforcement of safety codes promulgated by ORS 485.310 to 485.420 relating to motor vehicles used to transport workers to and from their place of employment. [1959 c.304 §10; 1973 c.833 §40; 1977 c.804 §46]

AMBULANCES AND EMERGENCY MEDICAL PERSONNEL

485.500 Definitions for ORS 485.500 to 485.595. As used in ORS 483.121, 483.437, 485.500 to 485.595, 485.992 and 487.085, unless the context requires otherwise:

(1) "Ambulance" has the meaning given in ORS 487.005.

(2) "Division" means the Health Division of the Department of Human Resources.

(3) "Emergency medical technician I" means a person who attends any ill, injured or disabled person in connection with transportation of the ill, injured or disabled person by ambulance. Policemen, firemen, funeral home employees and other personnel serving in a dual capacity one of which meets the definition of "emergency medical technician I" are "emergency medical technicians" within the meaning of ORS 483.121, 483.437, 485.500 to 485.595, 485.992 and 487.085.

(4) "Governmental unit" means the state or any county, municipality or other political subdivision or any department, board or other agency of any of them.

(5) "Highway" means every public way, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, used or intended for the use of the general public for vehicles.

(6) "Owner" means the person having all the incidents of ownership in a vehicle or where the incidents of ownership are in different persons, the person, other than a security interest holder or lessor, entitled to the possession of a vehicle under a security agreement or a lease for a term of 10 or more successive days.

(7) "Patient" means an ill, injured or disabled person transported in an ambulance.

(8) "Person" means any individual, corporation, association, firm, partnership, joint stock company, group of individuals acting together for a common purpose or organization of any kind and includes any receiver, trustee, assignee or other similar representative thereof. [1973 c.407 §1; 1975 c.451 §274a; 1975 c.695 §3a; 1979 c.575 §4]

485.505 Application of ORS 485.500 to 485.595. ORS 483.121, 483.437, 485.500 to 485.595 and 485.992 do not apply to:

(1) Ambulances owned by or operated under the control of the United States Government.

(2) Vehicles being used to render temporary assistance in the case of a major catastrophe or emergency with which the ambulance services of the surrounding locality are unable to cope, or when directed to be used to render temporary assistance by an official at the scene of an accident.

(3) Vehicles operated solely on private property or within the confines of institutional grounds, whether or not the incidental crossing of any highway through the property or grounds is involved.

(4) Vehicles operated by lumber industries solely for the transportation of lumber industry employees.

(5) Any person who drives or who attends an ill, injured or disabled person transported in a vehicle mentioned in subsections (1) to (4) of this section.

(6) Any person who otherwise by license is authorized to attend patients. [1973 c.407 §2; 1975 c.451 §275]

485.510 Unlawful to operate unlicensed ambulance on highway. On and after July 1, 1983, it shall be unlawful for any person or governmental unit to advertise or operate upon any highway in this state an ambulance that is not licensed under ORS 485.500 to 485.595 and does not meet the minimum requirements established by the division in consultation with the State Emergency Medical Service Committee or the Ambulance and EMT I Advisory Council for that type of ambulance. [1973 c.407 §3; 1975 c.451 §276; 1979 c.575 §5; 1983 c.451 §1]

485.515 Ambulance licenses; form and contents; financial responsibility. (1) A license for the operation of ambulances shall be obtained from the division.

(2) Applications for licenses shall be upon forms prescribed by the division and shall contain:

(a) The name and address of the person or governmental unit owning the ambulance.

(b) If other than the applicant's true name, the name under which the applicant is doing business.

(c) A description of the ambulance, including the make, model, year of manufacture, registration number and the insigne name, monogram or other distinguishing characteristics to be used to designate the applicant's ambulance.

(d) The location and description of the place or places from which the ambulance is intended to operate.

(e) Such other information as the division may reasonably require to determine compliance with ORS 483.437 and 485.500 to 485.545 and the rules promulgated thereunder.

(3) Except in the case of governmental units, the application shall be accompanied by the proof of financial responsibility required under ORS 485.535. [1973 c.407 §4; 1975 c.209 §15; 1983 c.451 §2]

485.520 Issuance of licenses; term; renewal; replacement; display; transferability; fee. (1) When application has been

made as required under ORS 485.515, the division shall issue a license to the owner if the vehicle complies with the requirements of ORS 483.437 and 485.500 to 485.545 and the rules promulgated thereunder.

(2) Each license unless sooner suspended or revoked shall expire and be renewable after a period of 12 months from the last day of the month of original issuance.

(3) The division shall provide a system for the expiration and renewal of a license on a 12-month basis that will distribute the administration of this section equally over a 12-month period. To this end the division may initially issue a license for less than a 12-month period or for more than a 12-month period not to exceed 15 months.

(4) Licenses shall be issued only to the owner and only for the vehicle named in the application and shall not be transferable to any other person, governmental unit or vehicle.

(5) A license shall be displayed as prescribed by the rules of the division on the vehicle to which it applies.

(6) The division shall provide for the replacement of any current license that becomes lost, damaged or destroyed.

(7) A nonrefundable fee of \$45 shall accompany each annual application for a license to operate an ambulance. For those vehicles requiring a second or subsequent on-site inspection, an additional \$50 fee for each such inspection shall be charged until the vehicle meets the established standards.

(8) License fees do not apply to those vehicles described in ORS 485.505. [1973 c.407 §5; 1983 c.451 §3]

485.525 Advisory council and division to adopt rules regarding ambulance construction, maintenance and operation; compliance with rules required to obtain license. (1) Subject to any law or rule pursuant thereto relating to the construction or equipment of ambulances, the division shall, with the advice of the advisory council appointed under ORS 485.570 and in accordance with ORS 183.310 to 183.550, adopt and when necessary amend or repeal rules relating to the construction, maintenance, capacity, sanitation, emergency medical supplies and equipment of ambulances.

(2) In order for an owner to secure and retain a license for an ambulance under ORS 485.500 to 485.595 and 485.992, it shall meet the requirements imposed by rules of the division. The requirements may relate to construction,

maintenance, capacity, sanitation and emergency medical supplies and equipment on ambulances. Such requirements shall include, but are not limited to, requirements relating to space in patient compartments, access to patient compartments, storage facilities, operating condition, cots, mattresses, stretchers, cot and stretcher fasteners, bedding, oxygen and resuscitation equipment, splints, tape, bandages, tourniquets, patient convenience accessories, cleanliness of vehicle and laundering of bedding. [1973 c.407 §6; 1975 c.451 §277; 1983 c.451 §4]

485.530 Division authorized to inspect ambulances. The division or its authorized representatives may at reasonable times inspect ambulances certified or subject to being certified under ORS 485.500 to 485.595 and 485.992. [1973 c.407 §7; 1975 c.451 §278]

485.535 Proof of financial responsibility required to obtain license; form of proof. (1) In order to secure and retain a license under ORS 485.500 to 485.595 and 485.992, the owner of an ambulance, other than a governmental unit, shall file and maintain with the division proof of ability to respond in damages for liability arising from the ownership, operation, use or maintenance of the ambulance in the amount of:

(a) \$100,000 because of bodily injury to or death of one person in any one accident;

(b) Subject to that limit for one person, \$300,000 because of bodily injury to or death of two or more persons in any one accident; and

(c) \$20,000 because of injury to or destruction of the property of others in any one accident.

(2) Proof of financial responsibility under subsection (1) of this section may be given by filing with the division for the benefit of the owner:

(a) A certificate of insurance issued by an insurance carrier licensed to transact insurance in this state showing that the owner has procured and that there is in effect a motor vehicle liability policy for the limits of financial responsibility mentioned in subsection (1) of this section designating by explicit description all motor vehicles with respect to which coverage is granted thereby and insuring the named insured and all other persons using any such motor vehicle with insured's consent against loss from the liabilities imposed by law for damages arising out of the ownership, operation, use or maintenance of any such motor vehicle; or

(b) A bond conditioned for the paying in behalf of the principal, the limits of financial

responsibility mentioned in subsection (1) of this section; or

(c) A certificate of the State Treasurer that such owner has deposited with him the sum of \$320,000 in cash or in securities such as may legally be purchased by fiduciaries or for trust funds of a market value of \$320,000. [1973 c.407 §8; 1975 c.451 §279; 1983 c.451 §5]

485.540 Form of insurance used to satisfy financial responsibility requirement; cancellation or termination; coverage; multiple insurers. (1) When insurance is the method chosen to prove financial responsibility, the certificate of insurance shall be signed by an authorized company representative and shall contain the following information:

(a) The date on which the policy was issued.

(b) The name and address of the named insured.

(c) The policy number.

(d) The amount of coverage in terms of the liability limits stated in ORS 485.535.

(2) The policy of insurance for which the certificate is given shall not be canceled or terminated except upon the giving of 10 days' prior written notice to the division. However, an insurance policy subsequently procured and certified to the division shall, on the date the certificate is filed with the division, terminate the insurance previously certified with respect to any owner or vehicle designated in both certificates.

(3) The vehicle policy need not insure any liability under any workman's compensation, nor any liability on account of bodily injury to or death of an employe of the insured while engaged in the employment of the insured, or while engaged in the operation, maintenance or repair of a vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(4) The requirements for a vehicle liability policy and certificate of insurance may be fulfilled by the policies and certificates of one or more insurance carriers which policies and certificates together meet such requirements. [1973 c.407 §9]

485.545 Application of ORS 486.606 to 486.626 to bonds or certificates of deposit used to satisfy financial responsibility requirement. When a bond or certificate of deposit with the State Treasurer is the method chosen to prove financial responsibility, the provisions of ORS 486.606 to 486.626 shall be deemed to refer to bonds, certificates, depos-

its and rights and remedies accruing thereunder under ORS 485.500 to 485.595 and 485.992 except that the dollar amounts mentioned in ORS 486.606 and 486.621 shall read \$320,000 each respectively. [1973 c.407 §10; 1975 c.451 §280]

485.550 Emergency medical technicians required to be certified; defense to charge of activity by uncertified person; exemptions from certificate requirement. (1) On and after September 13, 1975, it shall be unlawful:

(a) For any person to act as an emergency medical technician I without being certified under ORS 485.500 to 485.595 and 485.992.

(b) For any person or governmental unit which operates an ambulance to authorize a person to act for it as an emergency medical technician I without being certified under ORS 485.500 to 485.595 and 485.992.

(c) For any person or governmental unit to operate or allow to be operated upon any highway of this state any ambulance unless it is operated with at least one emergency medical technician I, or an emergency medical technician II, III, or IV as defined in ORS 677.610.

(2) It is a defense to any charge under this section that there was a reasonable basis for believing that the performance of services contrary to this section was necessary to preserve human life, that diligent effort was made to obtain the services of a certified emergency medical technician I and that the services of a certified emergency medical technician I were not available or were not available in time as under the circumstances appeared necessary to preserve such human life.

(3) Subsection (1) of this section is not applicable to any individual, group of individuals, partnership, entity, association or other organization otherwise subject thereto providing a service to the public exclusively by volunteer unpaid workers, nor to any person who acts as an ambulance attendant therefor, provided that in the particular county in which the service is rendered, the county court or board of county commissioners has by order, after public hearing, granted exemption from such subsection to the individual, group, partnership, entity, association or organization. When exemption is granted under this section, any person who attends an ill, injured or disabled person in an ambulance may not hold himself out as an emergency medical technician or use the designation "E.M.T. I"

[1973 c.407 §13; 1975 c.451 §281; 1975 c.695 §4a]

485.555 Certificates to be obtained from division; form and contents. (1) For any person to be certified as an emergency medical technician I an application for certification shall be made to the division. The application shall be upon forms prescribed by the division and shall contain:

(a) The name and address of the applicant.

(b) The name and location of the training course for emergency medical technicians I successfully completed by the applicant and the date of completion.

(c) Certification that to the best of the applicant's knowledge the applicant is physically and mentally qualified to act as an emergency medical technician I, is free from addiction to controlled substances or alcoholic beverages, or if not so free, has been and is currently rehabilitated and is free from epilepsy or diabetes, or if not so free, has been free from any lapses of consciousness or control occasioned thereby for a period of time as prescribed by rule of the division.

(d) Such other information as the division may reasonably require to determine compliance with applicable provisions of ORS 485.500 to 485.595 and 485.992 and the rules promulgated thereunder.

(2) The application shall be accompanied by proof as prescribed by rule of the division of the applicant's successful completion of a training course approved by the division, and if an extended period of time has elapsed since the completion of the course, of a satisfactory amount of continuing education. A course approved by the division shall be designed to protect the welfare of ambulance patients and to promote the saving of the lives of such patients and shall include, but not be limited to, the following subjects: Airway obstruction; bleeding; childbirth; environmental emergencies; extrication; fractures; injuries of the head, face, neck and spine; injuries of the eye, chest, abdomen, pelvis and genitalia; lifting and moving patients; pulmonary and cardiac arrest; shock; and wounds. [1973 c.407 §14; 1975 c.451 §282; 1975 c.695 §5a; 1977 c.581 §1; 1979 c.744 §42]

485.560 Issuance of certificates; provisional certificates; fees; terms; renewal; vehicle operator's license requirement. (1) When application has been made as required under ORS 485.555, the division shall certify the applicant as an emergency medical technician I if it finds:

(a) The applicant has successfully completed a training course approved by the division.

(b) The applicant's physical and mental qualifications have been certified as required under ORS 485.555.

(c) No matter has been brought to the attention of the division which would disqualify the applicant.

(d) A nonrefundable fee has been paid to the division in the following amounts:

(A) Initial application and examination, \$25.

(B) Reexaminations, \$10.

(C) Reinstatement and examination, \$20.

(D) Provisional certificate, \$10.

(2) The division may provide for the issuance of a provisional certification, valid for a period of not more than six months, to applicants who have not completed an approved training course for emergency medical technicians but who have received minimal training as provided by rule of the division in emergency medical care and who otherwise comply with the requirements for certification. No more than two consecutive provisional certificates shall be issued to any one person.

(3) The division may issue by indorsement certification for emergency medical technician I without proof of completion of an approved training course to an emergency medical technician who is licensed to practice emergency care in another state of the United States or a foreign country if, in the opinion of the division, the applicant meets the requirements of certification in this state and can demonstrate to the satisfaction of the division competency to practice emergency care at the level of emergency medical technician I. The division shall be the sole judge of credentials of any emergency medical technician applying for certification without proof of completion of an approved training course.

(4) Each person holding a certificate under ORS 485.555 and this section shall submit, at the time of application for renewal of the certificate to the division, evidence of the applicant's satisfactory completion of a division approved program of continuing education of 20 hours in the 24-month period preceding the date on which the evidence is submitted.

(5) Each certification issued under this section, unless sooner suspended or revoked, shall expire and be renewable after a period of two years. Each certificate must be renewed on or before June 30 of every second year. The Health Division by rule shall establish a schedule of certificate renewals under this subsection and shall prorate the fees to reflect any shorter certificate period.

(6) Nothing in ORS 485.500 to 485.595 authorizes an emergency medical technician I to operate an ambulance without an operator's or chauffeur's license as required under ORS chapter 482. [1973 c.407 §15; 1975 c.451 §283; 1975 c.695 §6a; 1977 c.581 §2; 1981 c.794 §1]

485.565 Denial, suspension or revocation of license or emergency medical technician certification. (1) Licenses for ambulances may be denied, suspended or revoked in accordance with the provisions of ORS 183.310 to 183.550 for a failure to comply with any of the requirements of ORS 483.437 and 485.500 to 485.545 or the rules adopted thereunder.

(2) The certification of an emergency medical technician I may be denied, suspended or revoked in accordance with the provisions of ORS 183.310 to 183.550 for any of the following reasons:

(a) A failure to have completed successfully a division approved course.

(b) In the case of provisional certifications, failure to have completed successfully a division approved course.

(c) Failure to meet or continue to meet the physical and mental qualifications required to be certified under ORS 485.555.

(d) The use of fraud or deception in receiving a certificate.

(e) Practicing skills beyond the scope of EMT I qualifications.

(f) Rendering emergency care under an assumed name.

(g) Subject to ORS 670.280, conviction of any criminal offense. A copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of the conviction.

(h) Suspension or revocation of an emergency medical technician certificate issued by another state agency or another state:

(A) For a reason which would permit the division to suspend or revoke a certificate issued under ORS 485.500 to 485.595; and

(B) Evidenced by a certified copy of the order of suspension or revocation.

(i) Gross negligence or repeated negligence in rendering emergency medical assistance. [1973 c.407 §16; 1981 c.794 §2; 1983 c.451 §6]

485.570 Advisory council on ambulances and emergency medical technicians; members qualifications, terms, duties and compensation. (1) The division

shall appoint an advisory council on ambulances and emergency medical technicians I composed of 14 members as follows:

(a) Two commercial ambulance operators.

(b) Two volunteer ambulance operators.

(c) Two persons representing governmental agencies which provide ambulance services.

(d) Two hospital administrators.

(e) Two physicians.

(f) One nurse who has served at least one year in the capacity of an emergency department nurse.

(g) One community college representative.

(h) Two other persons whose occupation does not fall in categories described in paragraphs (a) to (g) of this subsection.

(2) No more than three members shall be residents of the same congressional district at the time of appointment.

(3) Appointments shall be made for a term of four years in a manner to preserve in so far as possible the representation of the organization described in subsection (1) of this section. Vacancies shall be filled for any unexpired term as soon as the division can make such appointments. The council shall choose its own chairman and shall meet at the call of the chairman or the division administrator.

(4) The advisory council on ambulances and emergency medical technicians I shall advise the division concerning the adoption, amendment and repeal of rules authorized by ORS 485.500 to 485.595 and 485.992.

(5) Members are entitled to compensation as provided in ORS 292.495. [1973 c.407 §17; 1975 c.451 §284; 1975 c.695 §7a; 1981 c.545 §10]

485.573 County plan for ambulance and emergency medical services. (1) Each county shall develop a plan for the county or two or more contiguous counties may develop a plan relating to the need for and coordination of ambulance services and establish ambulance service areas consistent with the plan for the efficient and effective provision of ambulance services.

(2) Any plan developed and any service area established pursuant to subsection (1) of this section shall be submitted to the Health Division.

(3) Before the Health Division may modify any plan or designated ambulance service area adopted pursuant to subsection (1) of this section, the division shall obtain concurrence on the modifications from the county.

(4) The division, in consultation with the appropriate bodies specified in subsection (1) of this section, may adopt rules pursuant to ORS 183.310 to 183.550 to regulate and enforce the service areas established in subsection (1) of this section. The rules shall be uniform, as far as practicable, but take into consideration unique circumstances of local districts.

(5) The regulation of service areas provided in subsection (4) of this section shall be enforceable by the division in a proceeding in circuit court for equitable relief. [1977 c.402 §3; 1981 c.503 §1]

485.575 Rulemaking authority generally. (1) In accordance with ORS 183.310 to 183.550, the division may adopt and may when necessary amend or repeal such rules as are necessary for carrying out ORS 483.121, 483.437, 485.500 to 485.595 and 485.992.

(2) The division is authorized and directed to establish appropriate rules in accordance with the provisions of ORS 183.310 to 183.550 concerning the administration of ORS 483.121, 483.437, 485.500 to 485.595 and 485.992. Such rules may deal with, but are not limited to, such matters as criteria for requirements, types and numbers of emergency vehicles including supplies and equipment carried, requirements for the operation and coordination of ambulances and other emergency care systems, criteria for the use of two-way communications, procedures for summoning and dispatching aid and other necessary and proper matters. [1973 c.407 §§18, 28; 1975 c.451 §285]

485.577 Rulemaking authority with respect to minimum requirements for ambulances. (1) The Health Division, in consultation with the State Emergency Medical Service Committee or the Ambulance and EMT I Advisory Council, shall adopt rules specifying minimum staffing and medical and communications equipment requirements for all types of ambulances. The rules shall define the requirements for advanced life support and basic life support units of emergency vehicles, including equipment. The rules shall require that a person state-certified at or above an emergency medical technician I training level must ride in the patient compartment when a patient is being transported by a basic life support unit in emergency circumstances. The rules shall also require that a minimum of two persons, one state-certified at or above an emergency medical technician III training level, must ride in the patient compartment, and one state-certified at or above an emergency medical technician I training level, must staff an advanced life support unit when a

patient is being transported in emergency circumstances.

(2) The Health Division may waive any of the requirements imposed by this section in medically disadvantaged areas, as determined by the State Health Planning and Development Agency, or upon a showing that a severe hardship would result from enforcing a particular requirement.

(3) The Health Division shall exempt from rules adopted under this section nonprofit air ambulances providing ambulance services. [1979 c.575 §1]

485.580 False statements and misrepresentations regarding license or certification prohibited. (1) It is unlawful for any person or governmental unit to:

(a) Intentionally make any false statement on an application for an ambulance license or for certification as an emergency medical technician I or on any other documents required by the division; or

(b) Make any misrepresentation in seeking to obtain or retain a certification or license.

(2) Any violation described in subsection (1) of this section is also grounds for denial, suspension or revocation of a certification or license under ORS 485.565. [1973 c.407 §19; 1975 c.695 §8; 1983 c.451 §7]

485.585 Authority to enact local laws governing ambulances and emergency medical technicians. (1) As used in this section, "political subdivision" includes counties, cities, districts, authorities and other public corporations and entities organized and existing under statute or charter.

(2) Nothing in ORS 483.121, 483.437, 485.500 to 485.595, 485.992, 487.075 and 487.085 prevents any political subdivision after receiving permission from the division, from enacting and enforcing ordinances regulating ambulances or emergency medical technicians I. However, such ordinances shall not require less than is required under ORS 483.121, 483.437, 485.500 to 485.595, 485.992, 487.075 and 487.085 or the rules adopted by the division under ORS 483.121, 483.437, 485.500 to 485.595, 485.992, 487.075 and 487.085. [1973 c.407 §23; 1975 c.451 §286; 1975 c.695 §9a; 1979 c.59 §2]

485.590 Authority of division to grant exemptions; grounds for exemptions; procedure for rule revision. (1) The division may grant exemptions or variances from one or more of the requirements of ORS 483.121, 483.437, 485.500 to 485.595 and 485.992 or the

rules adopted thereunder to any class of vehicles if it finds that compliance with such requirement or requirements is inappropriate because of special circumstances which would render compliance unreasonable, burdensome or impractical due to special conditions or cause, or because compliance would result in substantial curtailment of necessary ambulance service. Such exemptions or variances may be limited in time or may be conditioned as the division considers necessary to protect the public welfare.

(2) In determining whether or not a variance shall be granted, the advice of the advisory council shall be received and in all cases the equities involved and the advantages and disadvantages to the welfare of patients and the owners of vehicles shall be weighed by the division.

(3) Rules under this section shall be adopted, amended or repealed in accordance with ORS 183.330. [1973 c.407 §24; 1975 c.451 §287]

485.595 Authority of division to receive and disburse federal funds. The division may receive and disburse such federal funds as may be available for carrying out any of the provisions of ORS 483.121, 483.437, 485.500 to 485.595 and 485.992. [1973 c.407 §26; 1975 c.451 §288]

PENALTIES

485.990 Penalties. (1) Violation of ORS 485.030 is punishable upon conviction by a fine of not more than \$100.

(2) Violation by the owner of a motor vehicle of any order issued by the division under ORS 485.400, or wilful failure to comply with such an order, is a misdemeanor.

(3) Violation of any provision of the safety code or an amendment thereto is a misdemeanor. [Subsections (2) and (3) enacted as 1959 c.304 §13]

485.992 Penalty for violation of ambulance and emergency medical technician provisions. Violation of any provision of ORS 485.510, 485.520 (5), ORS 485.550 or 485.580 is a Class A misdemeanor. Each day of continuing violation shall be considered a separate offense. [1973 c.407 §22; 1977 c.582 §54]