

Chapter 823

1985 REPLACEMENT PART

Ambulances and Emergency Medical Personnel

GENERALLY

- 823.010 Unlawful operation of uncertified ambulance; penalty
- 823.020 Definitions for ORS 823.020 to 823.240 and 823.990
- 823.030 Application of ORS 820.330 to 820.380, 823.020 to 823.240 and 823.990
- 823.040 Unlawful to operate unlicensed ambulance that is aircraft or watercraft
- 823.050 Illegal equipment of emergency aircraft or watercraft; penalty
- 823.060 Ambulance licenses; form and contents; future responsibility filing
- 823.070 Issuance of license; duration; renewal; transferability; display; replacement
- 823.080 Advisory council and division to adopt rules regarding ambulance construction, maintenance and operation; compliance with rules required to obtain license
- 823.090 Division authorized to inspect ambulances
- 823.100 Proof of financial responsibility required to obtain license; form of proof
- 823.110 Form of insurance used to satisfy financial responsibility requirement; cancellation or termination; coverage; multiple insurers
- 823.120 Bonds or certificates of deposit used to prove financial responsibility
- 823.130 Emergency medical technicians required to be certified; defense to charge of activity by uncertified person; exemptions from certificate requirement
- 823.140 Certificates to be obtained from division; form and contents
- 823.150 Issuance of certificates; fees; provisional certification; indorsement certification;

continuing education; renewal; driver license requirement

- 823.160 Denial, suspension or revocation of ambulance license and emergency medical technician I certificate
- 823.170 Advisory council on ambulances and emergency medical technicians; members qualifications, terms, duties and compensation
- 823.180 County plan for ambulance and emergency medical services
- 823.190 Rulemaking authority generally
- 823.200 Rulemaking authority with respect to minimum requirements for ambulances
- 823.210 False statements and misrepresentations regarding license or certification prohibited
- 823.220 Authority to enact local ordinances regulating ambulances and emergency medical technicians I
- 823.230 Authority to grant exemptions or variances; rules
- 823.240 Authority to receive and disburse federal funds

PENALTIES

- 823.990 Penalty for violation of ambulance and emergency medical technician provisions

CROSS REFERENCES

- Liability of emergency medical technician for emergency care, 30.800
- Registration and titling generally, Ch. 803
- Registration weight for ambulances, 803.430
- Special regulation of ambulances and emergency vehicles, 820.300 to 820.380

GENERALLY

823.010 Unlawful operation of uncertified ambulance; penalty. (1) A person or governmental unit commits the offense of unlawful operation of an uncertified ambulance if, on and after July 1, 1983, the person or governmental unit advertises or operates upon any highway in this state an ambulance that is:

(a) Not certified under ORS 823.020 to 823.240; and

(b) Does not meet the minimum requirements established under ORS 823.020 to 823.240 by the Health Division in consultation with the State Emergency Medical Service Committee or the Ambulance and EMT I Advisory Council for that type of ambulance.

(2) The use of the terms "governmental unit," "highway" and "person" in this section shall be as defined in ORS 823.020.

(3) This section does not apply to any ambulance or any person if the ambulance or person is exempted by ORS 823.030 or 823.230 from regulation by the Health Division.

(4) Authority of political subdivisions to regulate or allow the use of ambulances is limited under ORS 823.220.

(5) The offense described in this section, unlawful operation of uncertified ambulance, is a Class A misdemeanor. Each day of continuing violation shall be considered a separate offense. [1983 c.338 §756; 1985 c.16 §361]

Note: 823.010 was enacted as section 756, chapter 338, Oregon Laws 1983; and is, therefore, part of the Oregon Vehicle Code. It is compiled in ORS chapter 823 for the convenience of the user and to keep like subject matter together.

823.020 Definitions for ORS 823.020 to 823.240 and 823.990. As used in ORS 823.020 to 823.240 and 823.990, unless the context requires otherwise:

(1) "Ambulance" means any privately or publicly owned motor vehicle, aircraft or watercraft that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury or disability.

(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 823.020 to 823.240 and 823.990.

(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. [Formerly 485.500]

823.030 Application of ORS 820.330 to 820.380, 823.020 to 823.240 and 823.990. ORS 820.330 to 820.380, 823.020 to 823.240 and 823.990 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. [Formerly 485.505]

823.040 Unlawful to operate unlicensed ambulance that is aircraft or watercraft. (1) On and after July 1, 1983, it shall be unlawful for any person or governmental unit to advertise or operate in this state an ambulance that is an aircraft or watercraft unless the craft:

(a) Is licensed under ORS 823.020 to 823.240; and

(b) Meets 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.

(2) Requirements for ambulances that are motor vehicles are provided under ORS 823.010. [Formerly 485.510]

823.050 Illegal equipment of emergency aircraft or watercraft; penalty. (1) A person commits the offense of illegal equipment of emergency aircraft or watercraft if the person owns or operates an aircraft or watercraft that is regularly provided for the emergency transportation of persons suffering from illness, injury or disability and the aircraft or watercraft does not have warning lights, sirens or other audible signals required by the division under ORS 820.350.

(2) This section does not apply to any aircraft or watercraft or any person if the craft or person is exempted by ORS 823.030 or 823.230 from regulation by the Health Division.

(3) Authority of political subdivisions to regulate equipment on crafts described under this section is limited under ORS 823.220.

(4) The offense described under this section, illegal equipment of emergency aircraft or watercraft, is a Class A traffic infraction. [1983 c.338 §976]

823.060 Ambulance licenses; form and contents; future responsibility filing.

(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, registra-

tion 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 820.350 to 820.380 and 823.020 to 823.120 and the rules promulgated thereunder.

(3) Except in the case of governmental units, the application shall be accompanied by future responsibility filing of the type described under ORS 806.270. [Formerly 485.515]

823.070 Issuance of license; duration; renewal; transferability; display; replacement. (1) When application has been made as required under ORS 823.060, the division shall issue a license to the owner if it is found that the vehicle complies with the requirements of ORS 820.350 to 820.380 and 823.020 to 823.120 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 823.030. [Formerly 485.520]

823.080 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 823.170 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 823.020 to 823.240 and 823.990, 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. [Formerly 485.525]

823.090 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 823.020 to 823.240 and 823.990. [Formerly 485.530]

823.100 Proof of financial responsibility required to obtain license; form of proof. (1) In order to secure and retain a license under ORS 823.020 to 823.240 and 823.990, 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 the State Treasurer 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. [Formerly 485.535]

823.110 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 823.100.

(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. [Formerly 485.540]

823.120 Bonds or certificates of deposit used to prove financial responsibility. When a bond or certificate of deposit with the State Treasurer is the method chosen to prove financial responsibility, the provisions of ORS 806.090 to 806.120 shall be deemed to refer to bonds, certificates, deposits and rights and remedies accruing thereunder under ORS 823.020 to 823.240 and 823.990 except that the dollar amounts required for the bonds or deposits and subject to the provisions shall be \$320,000 each respectively. [Formerly 485.545]

823.130 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 823.020 to 823.240 and 823.990.

(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 823.020 to 823.240 and 823.990.

(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 purport to be an emergency medical technician or use the designation "E.M.T. I." [Formerly 485.550]

823.140 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 823.020 to 823.240 and 823.990 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. [Formerly 485.555]

823.150 Issuance of certificates; fees; provisional certification; indorsement certification; continuing education; renewal; driver license requirement. (1) When application has been made as required under ORS 823.140, 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 823.140.

(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 823.140 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 823.020 to 823.240 authorizes an emergency medical technician I to operate an ambulance without a driver license as required under the Oregon Vehicle Code. [Formerly 485.560]

823.160 Denial, suspension or revocation of ambulance license and emergency medical technician I certificate. (1) Licenses for ambulances may be denied, suspended or revoked in accordance with the provisions of ORS 820.350 to 820.380 and 823.020 to 823.120 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 823.140.

(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 823.020 to 823.240; 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. [Formerly 485.565]

823.170 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 insofar 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 823.020 to 823.240 and 823.990.

(5) Members are entitled to compensation as provided in ORS 292.495. [Formerly 485.570]

823.180 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. [Formerly 485.573]

823.190 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 823.020 to 823.240 and 823.990.

(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 823.020 to 823.240 and 823.990. 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. [Formerly 485.575]

823.200 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. [Formerly 485.577]

823.210 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 823.160. [Formerly 485.580]

823.220 Authority to enact local ordinances regulating ambulances and emergency medical technicians I. (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 820.300 to 820.380, 823.020 to 823.240 or 823.990 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 820.300 to 820.380, 823.020 to 823.240 or 823.990 or the rules adopted by the division under ORS 823.020 to 823.240 and 823.990. [Formerly 485.585]

823.230 Authority to grant exemptions or variances; rules. (1) The division may grant exemptions or variances from one or more of the requirements of ORS 820.330 to 820.380, 823.020 to 823.240 or 823.990 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. [Formerly 485.590]

823.240 Authority 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 820.330 to 820.380, 823.020 to 823.240 or 823.990. [Formerly 485.595]

PENALTIES

823.990 Penalty for violation of ambulance and emergency medical technician provisions. Violation of any provision of ORS 823.040, 823.070 (5), 823.130 or 823.210 is a Class A misdemeanor. Each day of continuing violation shall be considered a separate offense. [Formerly 485.992]

CHAPTERS 824 to _____
[Reserved for expansion]

OREGON VEHICLE CODE
