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**I MINA'TRENTAI UNU NA LIHESLATURÁN GUÁHAN**  
**2011 (FIRST) Regular Session**

Bill No. 319-31 (con)

Introduced by:

Adolpho B. Palacios, Sr. 

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**AN ACT TO AUTHORIZE PRIVATE AMBULANCE SERVICE PROVIDERS TO PROVIDE EMERGENCY MEDICAL SERVICES BY AMENDING §72105 OF TITLE 10, GUAM CODE ANNOTATED, AND TO FURTHER AMENDING §§3202(b), 3301(e), 3334(d) AND 3339(d), ALL OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO EMERGENCY VEHICLES OPERATING ON GUAM'S ROADWAYS.**

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*

3 finds that a state of emergency exists relative to the Guam Fire Department's  
4 (GFD) inability to provide adequate and timely transportation of residents  
5 requiring emergency medical attention. The absence of an adequate number  
6 of functional ambulances continues to threaten the health and safety of  
7 residents. With a fleet consisting of approximately fourteen (14)  
8 ambulances, four (4) of which have been salvaged, local media outlets  
9 continue to report that less than half of the remaining ten (10) working  
10 ambulances are operational at any given time.

11           In an effort to address the constant shortage of ambulances, members  
12 of *I Liheslatura* requested the assistance of the U.S. Department of the  
13 Interior's Assistant Secretary of Insular Affairs, the Honorable Anthony

1 Babauta, relative to federal grants and other funding opportunities available  
2 to the government of Guam. In August 2011, Secretary Babauta awarded  
3 Five Hundred Thousand Dollars (\$500,000.00) in federal grant funding to  
4 the government of Guam to assist with the immediate purchase of at least  
5 four (4) new ambulances. In September 2011 and to the disappointment of *I*  
6 *Liheslaturan Guåhan*, the government of Guam has yet to take the necessary  
7 steps toward procuring much-needed ambulances.

8 *I Liheslatura* further recognizes there are several companies that have  
9 established medical transport operations and have hired personnel  
10 appropriate to the field of emergency and non-emergency medical services.  
11 Although equipped with functional ambulances, these same companies are  
12 not permitted to provide emergency medical services. *I Liheslaturan*  
13 *Guåhan* finds the availability of private ambulance service providers and  
14 personnel employed by these medical transportation companies provide a  
15 timely opportunity to address the ongoing state of emergency, by allowing  
16 them to participate in providing emergency medical services.

17 Therefore, it is the intent of *I Liheslaturan Guåhan* to authorize  
18 private ambulance service providers to provide emergency medical services,  
19 by amending Section 72105 of Title 10, Guam Code Annotated, in order to  
20 promote the health and safety of our community. It is the intent of *I*  
21 *Liheslatura* that the provisions of this legislation apply only to those  
22 companies that are duly certified by, and have satisfied the requirements of,  
23 the Emergency Medical Services Commission.

24 *I Liheslaturan Guåhan* further intends to include certified private  
25 ambulance service providers in the exemption provisions of Sections  
26 3202(b), 3301(e), 3334(d) and 3339(d), all of Chapter 3, Title 16, Guam  
27 Code Annotated, when providing emergency medical services.

1           **Section 2. Private Ambulance Service Providers Authorized to**  
2 **Provide Emergency Medical Services.** Section 72105 of Title 10, Guam  
3 Code Annotated, is hereby *amended* to read:

4           **“72105. Emergency Medical Services.**

5           The Fire Department shall have the power and the  
6 responsibility of maintaining an emergency medical and rescue  
7 services system. The Department shall employ emergency medical  
8 services personnel who have been certified to provide such services  
9 under the provisions of Chapter 84, 10 GCA. The Fire Department  
10 shall maintain and operate equipment necessary to convey on land and  
11 sea an individual who is acutely ill, injured, incapacitated or helpless  
12 and requires emergency care. The Fire Department personnel shall  
13 provide emergency medical assistance on the scene and enroute to  
14 designated emergency medical services facilities to the full extent of  
15 their certification by the Emergency Medical Services Commission.

16           The provisions of this section do not preclude a private entity  
17 from providing emergency medical services, subject to the  
18 certification requirements of the Emergency Medical Services  
19 Commission for the provision of such services.”

20           **Section 3. Spot Lamps; Private Ambulance Service Providers**  
21 **Included in the Exemption of Emergency Vehicles.** Section 3202(b) of  
22 Article 2, Chapter 3, Title 16, Guam Code Annotated, is hereby *amended* to  
23 read:

24           “(b) No person shall operate or move any vehicle upon the  
25 public highways bearing or displaying a lighted red or blue lamp or  
26 light, other than a rear lamp described in this Chapter, unless such  
27 vehicle be a public or certified privately-operated ambulance, a

1 vehicle attached to the ~~Department of Public Safety~~ Guam Police  
2 Department or Guam Fire Department, or to a military law enforcing  
3 agency or such vehicles authorized to carry such red or blue lamp by  
4 the Chief of Police.”

5 **Section 4. Speed Limit Regulations; Private Ambulance Service**  
6 **Providers Included in the Exemption of Emergency Vehicles.** Section  
7 3301(e) of Article 3, Chapter 3, Title 16, Guam Code Annotated, is hereby  
8 *amended* to read:

9 “(e) The speed limitations set forth in this Section shall not  
10 apply to vehicles under the direction of the police in the actual chase  
11 or apprehension of violators of the law or of persons charged with or  
12 suspected of any such violation, nor shall they apply to the Fire  
13 Department or Fire Patrol vehicles when traveling in response to a fire  
14 alarm, nor shall they apply to public and certified privately-operated  
15 ambulances when such are traveling in actual emergencies. The  
16 exemptions set forth in this Subsection shall not, however, protect the  
17 driver of any such vehicle from the consequences of a reckless or  
18 unnecessary disregard of the safety of others.”

19 **Section 5. Traffic Stop Signs; Private Ambulance Service**  
20 **Providers Included in the Exemption of Emergency Vehicles.** Section  
21 3334(d) of Article 3, Chapter 3, Title 16, Guam Code Annotated, is hereby  
22 *amended* to read:

23 “(d) The provisions of this Section shall not apply to vehicles  
24 operating under the direction of the police in the chase or  
25 apprehension of violators of the law or persons charged with or  
26 suspected of any such violation, nor to vehicles of the fire department  
27 while responding to a fire alarm, nor to public and certified privately-

1        operated ambulances while traveling in emergencies, but this  
2        Subsection shall not protect the operator of any such vehicles from an  
3        unnecessary disregard of the safety of other persons or vehicles upon  
4        the highways.”

5        **Section 6. Traffic Signals; Private Ambulance Service Providers**  
6        **Included in the Exemption of Emergency Vehicles.** Section 3339(d) of  
7        Article 3, Chapter 3, Title 16, Guam Code Annotated, is hereby *amended* to  
8        read:

9                “(d) Traffic signal interpretation set forth in this Section shall  
10        not apply to vehicles operated under the direction of the police in the  
11        chase or apprehension of suspected violators of the law or of persons  
12        charged with such violations, nor to fire department or fire patrol  
13        vehicles when traveling in response to a fire alarm, nor to public and  
14        certified privately-operated ambulances when traveling in  
15        emergencies, but the above emergencies shall not protect the operator  
16        of any such vehicle from the consequences of a reckless disregard of  
17        the safety of others. ”

18        **Section 7. Effective Date.** This Act shall be effective upon  
19        enactment.

20        **Section 8. Severability.** If any provision of this Act or its  
21        application to any person or circumstance is found to be invalid or contrary  
22        to law, such invalidity shall not affect other provisions or applications of this  
23        Act which can be given effect without the invalid provisions or application,  
24        and to this end the provisions of this Act are severable.