

The meeting was called to order at 2:09 p.m. in Room 323 in the Legislative Building.

Senator Blakemore in the Chair.

PRESENT: Senator Richard Blakemore  
Senator Keith Ashworth  
Senator William Hernstadt  
Senator Lawrence Jacobsen  
Senator Clifford McCorkle  
Senator Joe Neal

ABSENT: Senator Wilbur Faiss, Vice-Chairman

OTHERS

PRESENT: Harold K. Peterson, Nevada Public Service Commission  
Wink Richards, Motor Carrier Division, DMV  
Robert F. Guinn, Nevada Motor Transport Association  
Daryl E. Capurro, Nevada Motor Transport Association  
Reba Chappell, State Health Division  
Randy Jackson, Motor Carrier Division, DMV

S.B. 376 CLARIFIES REQUIREMENT THAT COMMERCIAL AMBULANCE SERVICES COMPLY WITH RATE AND SERVICE OF LAW REGULATING MOTOR VEHICLE CARRIERS.

Senator Jacobsen spoke on S.B. 376. He said he has been a volunteer ambulance driver for Douglas County for 33 years. He said that very recently they had been notified by the county that the service had to be more self-sufficient since they were getting a new ambulance. They contacted some of the surrounding counties to determine how to set their rates. He said they found no rates that were any kind of a criteria from which to work. They also found that many ambulance services were advertising falsely as to what type of personnel was driving, an EMT or a more qualified person than an ordinary first-aid person. He feels some kind of uniform standards by which either the fees are set or published should be legislated.

Senator McCorkle said he did not understand this bill because of the wording that an ambulance is exempt from 706.011 to 706.791 and in Section 2 it refers to sections within those two numbers. Senator Jacobsen said he thinks the provisions which exempt would apply to volunteer groups but the rates would be set for any commercial ambulance by the Public Service Commission.

Senator Hernstadt said he gathered that the non-profit association would not have to post rates. Senator Jacobsen said they would post them but would not be required to adhere to them as a volunteer group because they are non-profit; but they want some kind of schedule that is universal. He said the main reason for this bill is to bring problems to light and see if there isn't some justified solution; maybe the Public Service Commission, Nevada Motor

Transport Association and other people that are interested can come up with some kind of solution.

Reba Chappell, Chief of Emergency Medical Services, Nevada State Health Division, spoke on S.B. 376. She said in the state at this time there are four commercial ambulance services, with a possibility of a fifth one being added in Clark County, and there is no authority being exercised by any agency to receive complaints of the consumer for charges made against the commercial services for services given to the patient. She said that she routinely receives anywhere from 10 to 15 complaints a year but is unable to be of any assistance to any complainant. She said it is very frustrating not being able to refer these people to someone to whom they can complain and who could possibly help them. She said she feels somebody should have some authority over what kind of rates commercial operators can charge. She said that she did not have specific rates with her but she thought commercial operators are charging at this time \$50 to \$60 for response to a call, with an additional charge if it is an emergency run, an additional charge for a night run, additional charges for each technique and procedure used for the patient and for the supplies and equipment used.

Senator Blakemore was concerned about how the Emergency Medical Services would be affected if rates were set. Mrs. Chappell said that under the regulations of the State Board of Health, a volunteer ambulance service is defined as one which charges only enough to support the operation. She said she thought the bill exempts the volunteer ambulance services from the Public Service Commission control, but it does place the commercial ambulance services under an agency which can receive complaints about what people are charged and can answer questions as to what is and is not allowable.

Senator Blakemore asked if the State Health Division licensed ambulances. Mrs. Chappell said they license them for operation of ambulance services but have no authority at all over their rate setting. They do have authority to investigate the quality of service.

Senator HERNSATDT asked if the ambulance services would raise their prices if they had to be regulated by the P.S.C. Mrs. Chappell said she did not mean to imply that the commercial ambulance services are now making outrageous charges. What she was saying is that when people don't understand why they were charged what they were charged, that hers is the agency which gets the complaint but is unable to give them any answers.

Senator McCORKLE suggested sending these people to the Better Business Bureau, Chamber of Commerce or the small claims court. He said any business has these same problems and these same things could be said about all other unregulated businesses. He did not feel this was a good argument because there are other recourses



for a consumer complaint.

Senator Blakemore asked Mrs. Chappell if she felt the complaints she has received have been legitimate and have there been excessive charges. Mrs. Chappell said that since most of the time they don't get the complaints in writing, she could only say that the ones that they did follow up without fail, the company being complained against has offered the consumer a discount on their bill. She personally felt that if they can afford to lop something off a bill when somebody complains, they charged too much in the first place. Senator Ashworth said he felt this was not necessarily so. That perhaps this was the easiest way to make a settlement with a customer rather than go to court.

Harold K. Peterson, Director of the Transportation Section of the Public Service Commission, spoke on S.B. 376. He said ambulances are a very specialized type of service because of the medical expertise in some of them. He said rates would be a very difficult thing to set depending on the type of service and equipment provided. He said he didn't feel there was any cause for the P.S.C. to regulate ambulances. Mr. Peterson stated that he believes there is a consumer fraud division in the district attorney's office, the Better Business Bureau and the licensing department in the counties in which the ambulance services operate, to whom people can make complaints.

Senator McCorkle asked why it is any more difficult to regulate this industry than any of the others they regulate. Mr. Peterson replied that because of ambulances being in the medical field. He said that all ambulance drivers are not trained to the same degree and also they are not driving the same equipment. The P.S.C. does not have any expertise in the medical field and this is what it would take to regulate this type of service, particularly in the urban areas because those ambulance drivers are the most highly trained.

Senator McCorkle said that once a rate was set for a particular service and the P.S.C. received the advice needed in order to set the rates, he felt that medical expertise was no longer needed. Mr. Peterson wanted to know who would give them the advice as to what is a reasonable rate for certain medical procedures. Senator McCorkle said the same people who give them advice on rates for tow trucks or they should bring in knowledgeable people. Mr. Peterson said rates are determined in the Public Service Commission by an economic factor.

Reba Chappell said that Dr. Edwards had reminded her that in addition to the ground commercial ambulance services there are also in the state five commercial air ambulances which also set prices wherever they do service.

Robert Guinn, Nevada Motor Transport Association, said they did not have any position on the bill at all. He said the same thing

could be accomplished as set by this bill by repealing 706.746, which is the exemption of ambulances as common carriers. He said if this is done, they could not operate without a certificate of convenience and necessity and, if they have a certificate of convenience and necessity, it is incumbent upon the P.S.C. to provide for reasonable but compensatory rates. Mr. Guinn said in response to Senator McCorkle, he would have to agree with Mr. Peterson, that trying to set rates for ambulance services would be a very complicated affair because of the differences in the various types of services operated. He thought if this were legislated, it would not be practical to try and set up a uniform schedule of fees as there is for tow trucks. He thought the best way to go with the ambulance service would be to have these people file their own individual tariff and when they filed, there would be a notice so the public would have a chance to come in and protest the rates. If there is a protest, then there would have to be a hearing. Once the rates were established they could not be increased without making an application to the Commission which would require 30 days notice to the public. In the past, even without a protest, it has been the practice of the Commission that they would require justification for the increase in rates. In this way, they make sure that the total income does not produce an exceptional profit.

Senator Blakemore asked if this would lower the rates of the ambulance services. Mr. Guinn said he was not sure if it would lower them any but then the Public Service Commission could take care of any complaints regarding the rates.

Chairman Blakemore closed the hearing on S.B. 376. Since there were no representatives of the ambulance services present at this meeting, the hearing will be continued on Tuesday, April 10 in order to give them an opportunity to testify.

A.B. 80 PROVIDES SCHEDULE OF PENALTIES FOR CERTAIN VIOLATIONS OF LAWS RELATING TO REGULATION AND LICENSING OF MOTOR CARRIERS.

Daryl Capurro, Nevada Motor Transport Association, spoke on A.B. 80. He said this bill is another one that originated in the Interim Transportation Committee. He said in effect the bill is basically set in the statutes. He stated the law as it now stands has this provision, "that the fines provided herein shall be mandatory and shall not be waived or suspended under any circumstances by the court." The bill deletes the words "waived or suspended" in Section 1, subsection 3 and Section 2, subsection 3. Mr. Capurro said he felt the bill should be amended to remove the brackets and the appropriate language put back; the words being "waived, suspended or reduced."

Senator Blakemore asked, "Supposing there was a transient who was cited for overloading his truck, is he cited then to appear with a date set or is he cited on the spot to go to the justice of the



peace immediately." Mr. Capurro said he would be cited into the justice court and he presumed that if there were any feeling that he would not appear, they would probably have the authority to take him right before the J.P.

Randy Jackson, Assistant to the Inspector of the Motor Carrier Enforcement Section, said in answer to Senator Blakemore's question, if a transient truckdriver violates the law and is apprehended by one of their officers, they are guided by what the justice court in that respective township requires. Some judges would require that any violators they apprehend post bail. If no direction is given by the justice court, then it is left to the officer's discretion as to whether he feels this person will honor his pledge to appear by signing the citation. If the officer does not believe this person will appear, he then requires the person to post bail.

Senator McCorkle asked what would happen if this person did not have enough money to cover the bail. Mr. Jackson said that it has been their policy to require this driver to procure the money some way, wiring his company, borrowing the money or however he can get it.

Mr. Capurro said he felt this bill, with the suggested amendment, would tighten this situation down so that if there is a \$500 overweight fine, it would be enforced. He felt it would discourage any sweetheart arrangements and it would close the loopholes in enforcement as far as the courts are concerned. He said that Mr. Peterson, who had to leave, gave him, in effect, the proxy to say the Public Service Commission does support the bill and does support the proposed amendments. He said the Nevada Motor Transport Association also supports this bill with the proposed amendments.

Senator Hernstadt asked if the constitutionality or the enforceability of one of these provisions had been investigated. Mr. Capurro said they went to Senator Close, Chairman of the Senate Judiciary Committee, and reviewed with him the words "waived or suspended." In his explanation he said that it would probably upset some justices and he could believe Frank Daykin would not believe it should be in there, but under the circumstances that are faced, he did not see any reason why it should not be in there.

Mr. Wink Richards, Motor Carrier Division of the Department of Motor Vehicles, spoke on A.B. 80. He said his division is in support of the bill with the amendments as they were stated.

Chairman Blakemore closed the hearing on A.B. 80.

Committee Action:

A.B. 80 Senator Ashworth moved that A.B. 80 be amended and recommended for "Do Pass."

Seconded by Senator Neal.

The motion carried.

S.B. 47 See remarks in Minutes of April 3, 1979.

Senator Blakemore moved that S.B. 47 be amended and re-referred to Senate Transportation Committee.

Seconded by Senator Neal.

The motion carried.

S.B. 360 See the Minutes of March 29, 1979 for hearing.


Senator Hernstadt moved that S.B. 360 be amended and recommended to "Do Pass."

Seconded by Senator McCorkle.

The motion carried.

There being no further business, the meeting was adjourned at 3:33 p.m.

Respectfully submitted,

  
Jane A. King, Secretary

APPROVED:

  
Richard E. Blakemore, Chairman