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HOUSE OF REPRESENTATIVES  
147th GENERAL ASSEMBLY

HOUSE BILL NO. 423

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FINES, COSTS, PENALTIES, AND FORFEITURES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fourths of all members elected to each house thereof concurring therein):

1 Section 1. Amend § 4101, Title 11 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 4101. Payment of fines, costs and restitution upon conviction.

4 (j) In addition to, and at the same time as any fine, penalty, or forfeiture assessed to a criminal defendant or  
5 recipient of a civil offense, there shall be levied an additional penalty of \$10 imposed and collected for any violations of  
6 Title 21. When a fine, penalty, or forfeiture is suspended, in whole or in part, this penalty assessment may not be  
7 suspended.

8 (1) This penalty assessment shall, for collection purposes, have first priority over all other penalty assessments  
9 created by this section and shall:

10 a. Have first priority after payments to the Victim Compensation Fund and restitution, consistent with  
11 § 4106(c) of this title;

12 b. Have priority over payments to the Court Security Fund, created by § 8505 of Title 10; and

13 c. Have priority over all other penalty assessments, costs, or fees established by an act of the General  
14 Assembly.

15 (2) Upon collection of this penalty assessment, the assessment must be paid over to the State Treasury to be  
16 deposited in a separate account for the administration of this subsection, which account shall be designated as the  
17 “Volunteer Ambulance Company Fund” (Fund), which is hereby created.

18 (3) The Fund shall be administered by the State Fire Prevention Commission. The Commission shall pay the  
19 moneys from the Fund directly to each volunteer ambulance company in this State in proportion to the number of

20 ambulance runs by a volunteer ambulance company out of the total number of ambulance runs by all volunteer  
21 ambulance companies in this State.

22 (4) For the purposes of this subsection:

23 a. "Ambulance runs" means volunteer ambulance company responses to dispatched calls for service.

24 b. "Basic life support (BLS)" shall have the same meaning as set forth in § 9702 of Title 16.

25 c. "Volunteer ambulance company" means a non-profit ambulance company that is certified by the State  
26 Fire Prevention Commission and is providing basic life support services (BLS).

27 Section 2. This Act becomes effective 90 days after its enactment into law.

#### SYNOPSIS

In 1999, House Bill 332 established new response time goals and certification standards for the delivery of basic life support and emergency medical services. In order to meet the new standards, volunteer ambulance companies needed to hire paid EMTs and ambulance attendants to ensure the availability of sufficient numbers of trained, certified staff on a 24 hour, 7 days a week basis to meet the new response time goals. The authors of House Bill 332 recognized that compliance with the new goals and standards would impose additional expense on the volunteer ambulance companies; however, neither House Bill 332 nor any subsequent legislation has addressed the funding sources for basic life support ambulance service in Delaware. Increased costs, without corresponding increases in revenue, have eroded the financial stability of volunteer ambulance companies. In 2012, 40 of Delaware's 55 volunteer ambulance companies reported they are now conducting ambulance/EMS operations at a loss.

In 2013, House Bill 215 established the Ambulance and EMS Task Force ("Task Force"). In February 2014, the Task Force issued its report on the state of funding of ambulance and EMS services in Delaware and noted, "By some accounts, the public may begin to see diminished ambulance service in as little as 8 to 12 months, if steps are not taken promptly to meet the funding need." The Task Force made 9 findings and 13 recommendations aimed at addressing this issue.

This bill would implement one of the Task Force's recommendations to improve the funding of basic life support ambulance services in Delaware by establishing a \$10 assessment on all violations of Title 21 and creating a Volunteer Ambulance Company Fund. The moneys collected would be earmarked for volunteer ambulance companies and distributed on a pro rata basis by the State Fire Prevention Commission