

CHAPTER 133
WHITE FLASHING LIGHT AUTHORIZATION

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

641—133.1(321) Definitions. For the purpose of these rules, the following definitions shall apply:

“*Ambulance*” means ambulance as defined in 641—132.1(147A).

“*Ambulance service*” means ambulance service as defined in 641—132.1(147A).

“*Authorization certificate*” means a permit issued to an emergency medical care provider which authorizes the use of a white flashing light.

“*Authorized vehicles*” means any vehicles owned by members of the service program that are authorized by the department to use flashing white lights.

“*Department*” means Iowa department of public health.

“*Emergency medical care provider*” means emergency medical care provider as defined in 641—131.1(147A).

“*First response vehicle*” means first response vehicle as defined in 641—132.1(147A).

“*Medical director*” means medical director as defined in 641—132.1(147A).

“*Member*” means any individual utilized by an ambulance or nontransport service to provide emergency medical care.

“*Nontransport service*” means nontransport service as defined in 641—132.1(147A).

“*Rescue vehicle*” means rescue vehicle as defined in 641—132.1(147A).

“*Service director*” means service director as defined in 641—132.1(147A).

“*Service program*” or “*service*” means service program as defined in 641—132.1(147A).

“*White light*” means a white or clear rotating, flashing, or strobe lighting device utilized for identification purposes only. Any such lighting device shall not display a constant white or clear light to the rear of the vehicle.

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641—133.2(321) Purpose.

133.2(1) Flashing white lights may be used on emergency vehicles or other authorized vehicles utilized by emergency medical care providers and service programs for identification purposes only.

133.2(2) Flashing white lights shall be used only on an authorized vehicle and shall not be used except in any of the following circumstances:

- a. When responding to an emergency in the line of duty requiring the services of the member.
- b. When at the scene of an emergency.
- c. When transporting a patient during a disaster situation.

133.2(3) Owners and operators of authorized vehicles are responsible for ensuring that the lighting devices are utilized in a safe manner. This shall include, but not be limited to, ensuring that lighting devices do not:

- a. Obstruct the view of the vehicle operator.
- b. Overburden the electrical system of the vehicle.
- c. Interfere with the vision of the vehicle operator, passengers, or drivers of other vehicles.

133.2(4) Operators of authorized vehicles shall ensure that the authorization certificate is carried in the vehicle.

641—133.3(321) Application.

133.3(1) Authorization certificates shall be issued by the service director for service vehicles and vehicles owned by emergency medical care providers who are members in good standing with the service. Authorization certificates are available through the Iowa Department of Public Health, Bureau of EMS, Lucas State Office Building, Des Moines, Iowa 50319-0075, or the bureau of EMS Web site (www.idph.state.ia.us/ems). Vehicle authorization shall be limited to:

- a. Vehicles owned or exclusively operated by the ambulance or nontransport service.

b. Vehicles owned or operated by emergency medical care provider members of the ambulance or nontransport service.

c. Vehicles owned or operated by the service program's medical director.

d. One authorization certificate per vehicle.

133.3(2) Nothing in these rules shall prevent the use of white flashing lights on vehicles which are authorized to use red or blue flashing lights.

133.3(3) The service director shall report the issuance of white light authorization certificates within 15 days to the department on forms approved by the department. Information required by the department shall include, but not be limited to:

a. Demonstrated necessity for authorization.

b. Vehicle liability insurance.

c. Current Iowa vehicle registration.

d. The member's current driver's license number, if the authorized vehicle is privately owned.

133.3(4) The service director shall provide, upon request of the department or its agents, proof of the information required in 133.3(3) for each authorization certificate issued.

133.3(5) The service director shall provide an informational sheet which explains the requirements for use of the white lights to each member who is issued an authorization certificate. The information sheet is available upon request from the Iowa Department of Public Health, Bureau of EMS, Lucas State Office Building, Des Moines, Iowa 50319-0075, or the bureau of EMS Web site (www.idph.state.ia.us/ems).

133.3(6) The service director shall encourage members operating authorized vehicles to complete a course in emergency driving techniques and the laws and rules governing emergency vehicle operation.

133.3(7) The authorization shall expire five years from the date issued unless sooner suspended or revoked.

133.3(8) The department may issue authorization certificates for vehicles used by employees of the department when responding to emergencies or disasters.

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641—133.4(321) Approval, denial, probation, suspension and revocation of authorization.

133.4(1) The service director or the department may approve or deny an application and the department may place on probation, suspend or revoke an authorization certificate if the service director or the department finds reason to believe that the applicant or certificate holder:

a. Has failed to meet all applicable requirements of these rules.

b. Has been convicted of a moving violation while using flashing white lights.

c. Has utilized a white flashing light without obtaining an authorization certificate.

d. Does not have a valid driver's license.

e. Does not have a current vehicle registration.

133.4(2) The authorization certificate shall be surrendered upon the request of the department or its agents.

133.4(3) An emergency medical care provider or service director who has knowledge of any emergency medical care provider or service program that has violated Iowa Code chapter 147A, Iowa Administrative Code 641—Chapter 132 or these rules shall, within 30 days, report that information to the department.

133.4(4) A denial, probation, suspension or revocation ordered by the department shall be effected, and may be appealed according to the provisions set forth in rule 641—133.5(321).

641—133.5(321) Appeal of denial, probation, or revocation of authorization.

133.5(1) Denial, probation, suspension or revocation shall be effected in accordance with the requirements of Iowa Code section 17A.12. Notice of denial, probation, suspension or revocation shall be served to the alleged violator by restricted certified mail, return receipt requested, or by personal service.

133.5(2) Any request for appeal concerning denial, probation, suspension or revocation shall be submitted by the aggrieved party in writing to the department by certified mail, return receipt requested, within 30 days of the receipt of the department's notice. The address is: Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, Des Moines, Iowa 50319-0075. If the

request is made within the 30-day time period, the notice shall be deemed to be suspended. Prior to or at the hearing, the department may rescind the notice upon satisfaction that the reason for the denial, probation, suspension or revocation has been or will be removed. If no request for appeal is received within the 30-day time period, the department's notice of denial, probation, suspension or revocation shall become the department's final agency action.

133.5(3) Upon receipt of an appeal that meets contested case status, the appeal shall be forwarded within five working days to the department of inspections and appeals pursuant to the rules adopted by that agency regarding the transmission of contested cases. The information upon which the adverse action is based and any additional information which may be provided by the aggrieved party shall also be provided to the department of inspections and appeals.

133.5(4) The hearing shall be conducted according to the procedural rules of the department of inspections and appeals found in 481—Chapter 4, Iowa Administrative Code.

133.5(5) When the administrative law judge makes a proposed decision and order, it shall be served by restricted certified mail, return receipt requested, or delivered by personal service. That proposed decision and order then becomes the department's final agency action without further proceedings ten days after it is received by the aggrieved party unless an appeal to the director is taken as provided in subrule 133.5(6).

133.5(6) Any appeal to the director for review of the proposed decision and order of the administrative law judge shall be filed in writing and mailed to the director by certified mail, return receipt requested, or delivered by personal service within ten days after the receipt of the administrative law judge's proposed decision and order by the aggrieved party. A copy of the appeal shall also be mailed to the administrative law judge. Any request for an appeal shall state the reason for appeal.

133.5(7) Upon receipt of an appeal request, the administrative law judge shall prepare the record of the hearing for submission to the director. The record shall include the following:

- a. All pleadings, motions, and rules.
- b. All evidence received or considered and all other submissions by recording or transcript.
- c. A statement of all matters officially noticed.
- d. All questions and offers of proof, objections and rulings on them.
- e. All proposed findings and exceptions.
- f. The proposed decision and order of the administrative law judge.

133.5(8) The decision and order of the director becomes the department's final agency action upon receipt by the aggrieved party and shall be delivered by restricted certified mail, return receipt requested, or by personal service.

133.5(9) It is not necessary to file an application for a rehearing to exhaust administrative remedies when appealing to the director or the district court as provided in Iowa Code section 17A.19. The aggrieved party to the final agency action of the department who has exhausted all administrative remedies may petition for judicial review of that action pursuant to Iowa Code chapter 17A.

133.5(10) Any petition for judicial review of a decision and order shall be filed in the district court within 30 days after the decision and order becomes final. A copy of the notice of appeal shall be sent to the department by certified mail, return receipt requested, or by personal service. The address is: Iowa Department of Public Health, Bureau of Emergency Medical Services, Lucas State Office Building, Des Moines, Iowa 50319-0075.

133.5(11) The party who appeals a final agency action to the district court shall pay the cost of the preparation of a transcript of the contested case hearing for the district court.

These rules are intended to implement Iowa Code section 321.423.

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