



Rep. Naomi D. Jakobsson

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LRB095 04718 DRH 34853 a

1 AMENDMENT TO HOUSE BILL 313

2 AMENDMENT NO. _____. Amend House Bill 313, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Emergency Medical Services (EMS) Systems
6 Act is amended by changing Sections 3.50 and 3.150 as follows:

7 (210 ILCS 50/3.50)

8 Sec. 3.50. Emergency Medical Technician (EMT) Licensure.

9 (a) "Emergency Medical Technician-Basic" or "EMT-B" means
10 a person who has successfully completed a course of instruction
11 in basic life support as prescribed by the Department, is
12 currently licensed by the Department in accordance with
13 standards prescribed by this Act and rules adopted by the
14 Department pursuant to this Act, and practices within an EMS
15 System.

16 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"

1 means a person who has successfully completed a course of
2 instruction in intermediate life support as prescribed by the
3 Department, is currently licensed by the Department in
4 accordance with standards prescribed by this Act and rules
5 adopted by the Department pursuant to this Act, and practices
6 within an Intermediate or Advanced Life Support EMS System.

7 (c) "Emergency Medical Technician-Paramedic" or "EMT-P"
8 means a person who has successfully completed a course of
9 instruction in advanced life support care as prescribed by the
10 Department, is licensed by the Department in accordance with
11 standards prescribed by this Act and rules adopted by the
12 Department pursuant to this Act, and practices within an
13 Advanced Life Support EMS System.

14 (d) The Department shall have the authority and
15 responsibility to:

16 (1) Prescribe education and training requirements,
17 which includes training in the use of epinephrine and
18 instruction to check a victim's driver's license for the
19 presence of a do-not-resuscitate order which may appear on
20 that driver's license as provided in Section 6-110 of the
21 Illinois Vehicle Code, for all levels of EMT, based on the
22 respective national curricula of the United States
23 Department of Transportation and any modifications to such
24 curricula specified by the Department through rules
25 adopted pursuant to this Act;

26 (2) Prescribe licensure testing requirements for all

1 levels of EMT, which shall include a requirement that all
2 phases of instruction, training, and field experience be
3 completed before taking the EMT licensure examination.
4 Candidates may elect to take the National Registry of
5 Emergency Medical Technicians examination in lieu of the
6 Department's examination, but are responsible for making
7 their own arrangements for taking the National Registry
8 examination;

9 (3) License individuals as an EMT-B, EMT-I, or EMT-P
10 who have met the Department's education, training and
11 testing requirements;

12 (4) Prescribe annual continuing education and
13 relicensure requirements for all levels of EMT, including
14 instruction to check a victim's driver's license for the
15 presence of a do-not-resuscitate order which may appear on
16 that driver's license as provided in Section 6-110 of the
17 Illinois Vehicle Code;

18 (5) Relicense individuals as an EMT-B, EMT-I, or EMT-P
19 every 4 years, based on their compliance with continuing
20 education and relicensure requirements;

21 (6) Grant inactive status to any EMT who qualifies,
22 based on standards and procedures established by the
23 Department in rules adopted pursuant to this Act;

24 (7) Charge each candidate for EMT a fee to be submitted
25 with an application for a licensure examination;

26 (8) Suspend, revoke, or refuse to renew the license of

1 an EMT, after an opportunity for a hearing, when findings
2 show one or more of the following:

3 (A) The EMT has not met continuing education or
4 relicensure requirements as prescribed by the
5 Department;

6 (B) The EMT has failed to maintain proficiency in
7 the level of skills for which he or she is licensed;

8 (C) The EMT, during the provision of medical
9 services, engaged in dishonorable, unethical or
10 unprofessional conduct of a character likely to
11 deceive, defraud or harm the public;

12 (D) The EMT has failed to maintain or has violated
13 standards of performance and conduct as prescribed by
14 the Department in rules adopted pursuant to this Act or
15 his or her EMS System's Program Plan;

16 (E) The EMT is physically impaired to the extent
17 that he or she cannot physically perform the skills and
18 functions for which he or she is licensed, as verified
19 by a physician, unless the person is on inactive status
20 pursuant to Department regulations;

21 (F) The EMT is mentally impaired to the extent that
22 he or she cannot exercise the appropriate judgment,
23 skill and safety for performing the functions for which
24 he or she is licensed, as verified by a physician,
25 unless the person is on inactive status pursuant to
26 Department regulations; or

1 (G) The EMT has violated this Act or any rule
2 adopted by the Department pursuant to this Act.

3 The education requirements prescribed by the Department
4 under this subsection must allow for the suspension of those
5 requirements in the case of a member of the armed services or
6 reserve forces of the United States or a member of the Illinois
7 National Guard who is on active duty pursuant to an executive
8 order of the President of the United States, an act of the
9 Congress of the United States, or an order of the Governor at
10 the time that the member would otherwise be required to fulfill
11 a particular education requirement. Such a person must fulfill
12 the education requirement within 6 months after his or her
13 release from active duty.

14 (e) In the event that any rule of the Department or an EMS
15 Medical Director that requires testing for drug use as a
16 condition for EMT licensure conflicts with or duplicates a
17 provision of a collective bargaining agreement that requires
18 testing for drug use, that rule shall not apply to any person
19 covered by the collective bargaining agreement.

20 (Source: P.A. 94-504, eff. 8-8-05.)

21 (210 ILCS 50/3.150)

22 Sec. 3.150. Immunity from civil liability.

23 (a) Any person, agency or governmental body certified,
24 licensed or authorized pursuant to this Act or rules
25 thereunder, who in good faith provides emergency or

1 non-emergency medical services during a Department approved
2 training course, in the normal course of conducting their
3 duties, or in an emergency, shall not be civilly liable as a
4 result of their acts or omissions in providing such services
5 unless such acts or omissions, including the bypassing of
6 nearby hospitals or medical facilities, and providing
7 cardiopulmonary resuscitation to a victim whose driver's
8 license contained a do-not-resuscitate order, in accordance
9 with the protocols developed pursuant to this Act, constitute
10 willful and wanton misconduct.

11 (b) No person, including any private or governmental
12 organization or institution that administers, sponsors,
13 authorizes, supports, finances, educates or supervises the
14 functions of emergency medical services personnel certified,
15 licensed or authorized pursuant to this Act, including persons
16 participating in a Department approved training program, shall
17 be liable for any civil damages for any act or omission in
18 connection with administration, sponsorship, authorization,
19 support, finance, education or supervision of such emergency
20 medical services personnel, where the act or omission occurs in
21 connection with activities within the scope of this Act, unless
22 the act or omission was the result of willful and wanton
23 misconduct.

24 (c) Exemption from civil liability for emergency care is as
25 provided in the Good Samaritan Act, including exemption from
26 liability for providing cardiopulmonary resuscitation to a

1 victim whose driver's license contained a do-not-resuscitate
2 order.

3 (d) No local agency, entity of State or local government,
4 or other public or private organization, nor any officer,
5 director, trustee, employee, consultant or agent of any such
6 entity, which sponsors, authorizes, supports, finances, or
7 supervises the training of persons in a basic cardiopulmonary
8 resuscitation course which complies with generally recognized
9 standards, shall be liable for damages in any civil action
10 based on the training of such persons unless an act or omission
11 during the course of instruction constitutes willful and wanton
12 misconduct.

13 (e) No person who is certified to teach basic
14 cardiopulmonary resuscitation, and who teaches a course of
15 instruction which complies with generally recognized standards
16 for basic cardiopulmonary resuscitation, shall be liable for
17 damages in any civil action based on the acts or omissions of a
18 person who received such instruction, unless an act or omission
19 during the course of such instruction constitutes willful and
20 wanton misconduct.

21 (f) No member or alternate of the State Emergency Medical
22 Services Disciplinary Review Board or a local System review
23 board who in good faith exercises his responsibilities under
24 this Act shall be liable for damages in any civil action based
25 on such activities unless an act or omission during the course
26 of such activities constitutes willful and wanton misconduct.

1 (g) No EMS Medical Director who in good faith exercises his
2 responsibilities under this Act shall be liable for damages in
3 any civil action based on such activities unless an act or
4 omission during the course of such activities constitutes
5 willful and wanton misconduct.

6 (h) Nothing in this Act shall be construed to create a
7 cause of action or any civil liabilities.

8 (Source: P.A. 89-177, eff. 7-19-95; 89-607, eff. 1-1-97.)

9 Section 10. The Illinois Vehicle Code is amended by
10 changing Section 6-110 as follows:

11 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

12 Sec. 6-110. Licenses issued to drivers.

13 (a) The Secretary of State shall issue to every qualifying
14 applicant a driver's license as applied for, which license
15 shall bear a distinguishing number assigned to the licensee,
16 the legal name, zip code, date of birth, residence address, and
17 a brief description of the licensee, and a space where the
18 licensee may write his usual signature.

19 If the licensee is less than 17 years of age, the license
20 shall, as a matter of law, be invalid for the operation of any
21 motor vehicle during any time the licensee is prohibited from
22 being on any street or highway under the provisions of the
23 Child Curfew Act.

24 Licenses issued shall also indicate the classification and

1 the restrictions under Section 6-104 of this Code.

2 In lieu of the social security number, the Secretary may in
3 his discretion substitute a federal tax number or other
4 distinctive number.

5 A driver's license issued may, in the discretion of the
6 Secretary, include a suitable photograph of a type prescribed
7 by the Secretary.

8 (b) Until the Secretary of State establishes a First Person
9 Consent organ and tissue donor registry under Section 6-117 of
10 this Code, the Secretary of State shall provide a format on the
11 reverse of each driver's license issued which the licensee may
12 use to execute a document of gift conforming to the provisions
13 of the Illinois Anatomical Gift Act. The format shall allow the
14 licensee to indicate the gift intended, whether specific
15 organs, any organ, or the entire body, and shall accommodate
16 the signatures of the donor and 2 witnesses. The Secretary
17 shall also inform each applicant or licensee of this format,
18 describe the procedure for its execution, and may offer the
19 necessary witnesses; provided that in so doing, the Secretary
20 shall advise the applicant or licensee that he or she is under
21 no compulsion to execute a document of gift. A brochure
22 explaining this method of executing an anatomical gift document
23 shall be given to each applicant or licensee. The brochure
24 shall advise the applicant or licensee that he or she is under
25 no compulsion to execute a document of gift, and that he or she
26 may wish to consult with family, friends or clergy before doing

1 so. The Secretary of State may undertake additional efforts,
2 including education and awareness activities, to promote organ
3 and tissue donation.

4 (c) The Secretary of State shall designate on each driver's
5 license issued a space where the licensee may place a sticker
6 or decal of the uniform size as the Secretary may specify,
7 which sticker or decal may indicate in appropriate language
8 that the owner of the license carries an Emergency Medical
9 Information Card.

10 The sticker may be provided by any person, hospital,
11 school, medical group, or association interested in assisting
12 in implementing the Emergency Medical Information Card, but
13 shall meet the specifications as the Secretary may by rule or
14 regulation require.

15 (d) The Secretary of State shall designate on each driver's
16 license issued a space where the licensee may indicate his
17 blood type and RH factor.

18 (e) The Secretary of State shall provide that each original
19 or renewal driver's license issued to a licensee under 21 years
20 of age shall be of a distinct nature from those driver's
21 licenses issued to individuals 21 years of age and older. The
22 color designated for driver's licenses for licensees under 21
23 years of age shall be at the discretion of the Secretary of
24 State.

25 (e-1) The Secretary shall provide that each driver's
26 license issued to a person under the age of 21 displays the

1 date upon which the person becomes 18 years of age and the date
2 upon which the person becomes 21 years of age.

3 (f) The Secretary of State shall inform all Illinois
4 licensed commercial motor vehicle operators of the
5 requirements of the Uniform Commercial Driver License Act,
6 Article V of this Chapter, and shall make provisions to insure
7 that all drivers, seeking to obtain a commercial driver's
8 license, be afforded an opportunity prior to April 1, 1992, to
9 obtain the license. The Secretary is authorized to extend
10 driver's license expiration dates, and assign specific times,
11 dates and locations where these commercial driver's tests shall
12 be conducted. Any applicant, regardless of the current
13 expiration date of the applicant's driver's license, may be
14 subject to any assignment by the Secretary. Failure to comply
15 with the Secretary's assignment may result in the applicant's
16 forfeiture of an opportunity to receive a commercial driver's
17 license prior to April 1, 1992.

18 (g) The Secretary of State shall designate on a driver's
19 license issued, a space where the licensee may indicate that he
20 or she has drafted a living will in accordance with the
21 Illinois Living Will Act or a durable power of attorney for
22 health care in accordance with the Illinois Power of Attorney
23 Act.

24 (g-1) The Secretary of State, in his or her discretion, may
25 designate on each driver's license issued a space where the
26 licensee may place a sticker or decal, issued by the Secretary

1 of State, of uniform size as the Secretary may specify, that
2 shall indicate in appropriate language that the owner of the
3 license has renewed his or her driver's license.

4 (g-5) The Secretary of State, in his or her discretion, may
5 designate on each driver's license issued a space where the
6 licensee may place a sticker or decal, issued by the Secretary
7 of State, of uniform size as the Secretary may specify, on
8 which the words "Do not resuscitate." shall appear.

9 (h) A person who acts in good faith in accordance with the
10 terms of this Section is not liable for damages in any civil
11 action or subject to prosecution in any criminal proceeding for
12 his or her act.

13 (Source: P.A. 93-794, eff. 7-22-04; 93-895, eff. 1-1-05; 94-75,
14 eff. 1-1-06; 94-930, eff. 6-26-06.)

15 Section 15. The Good Samaritan Act is amended by changing
16 Section 10 as follows:

17 (745 ILCS 49/10)

18 Sec. 10. Cardiopulmonary resuscitation; exemption from
19 civil liability for emergency care. Any person currently
20 certified in basic cardiopulmonary resuscitation who complies
21 with generally recognized standards, and who in good faith, not
22 for compensation, provides emergency cardiopulmonary
23 resuscitation to a person who is an apparent victim of acute
24 cardiopulmonary insufficiency shall not, as the result of his

1 or her acts or omissions in providing resuscitation, be liable
2 for civil damages, unless the acts or omissions constitute
3 willful and wanton misconduct. The exemption from liability
4 provided by this Section also applies to a person who provides
5 emergency cardiopulmonary resuscitation to a victim on whose
6 driver's license the words "Do not resuscitate." appeared as
7 provided in Section 6-110 of the Illinois Vehicle Code, unless
8 providing cardiopulmonary resuscitation to that person
9 constituted willful and wanton misconduct.

10 (Source: P.A. 89-607, eff. 1-1-97; 90-742, eff. 8-13-98.)".