

Date of Hearing: April 19, 2021

ASSEMBLY COMMITTEE ON TRANSPORTATION
Laura Friedman, Chair
AB 798 (Ramos) – As Amended April 8, 2021

SUBJECT: Vehicles: fire department: federally recognized tribes

SUMMARY: Authorizes federally recognized tribes to operate, inspect, maintain, and drive emergency vehicles used in responding to emergency calls for fire or law enforcement. Specifically, this bill:

- 1) Adds any vehicle owned or operated by a federally recognized Indian tribe used in responding to emergency, fire, ambulance, or lifesaving calls to the definition of authorized emergency vehicle (AEV).
- 2) Authorizes the Commissioner of the California Highway Patrol (CHP) to issue an emergency vehicle permit to a vehicle operated by a member of a fire department of a federally recognized tribe.
- 3) Exempts ambulances owned or operated by a fire department of a federally recognized tribe or operators of those ambulances from the requirement to have a license and would prohibit the CHP from inspecting those ambulances.
- 4) Exempts members of a fire department of a federally recognized tribe from having to meet certain requirements that would otherwise be required for an applicant of an ambulance driver certificate.

EXISTING LAW:

- 1) Defines an AEV as:
 - a. Any publicly owned and operated ambulance, lifeguard, or lifesaving equipment or any privately owned or operated ambulance licensed by the Commissioner of the California Highway Patrol to operate in response to emergency calls.
 - b. Any publicly owned vehicle operated by federal, state, or local agency, department, or district employing peace officers; forestry or fire department of any public agency or fire department.
 - c. Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.
 - d. Any state-owned vehicle used in responding to emergency fire, rescue, or communications calls and operated either by the Office of Emergency Services or by any public agency or industrial fire department to which the Office of Emergency Services has assigned the vehicle.

- e. Any vehicle owned or operated by any department or agency of the United States government when the vehicle is used in responding to emergency fire, ambulance, or lifesaving calls or is actively engaged in law enforcement work.
 - f. Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.
- 2) Authorizes the Commissioner of the CHP to issue authorized emergency vehicle permits to the following operators in each case that the vehicle is used in responding to emergency calls for fire or law enforcement, the immediate preservation of life or property, or the apprehension of law violators: police, public utilities, fire, air pollution control district, privately owned ambulances, and city or county hazardous materials hazardous response team.
 - 3) Allows the Commissioner to issue licenses for one year, subject to renewal, to privately owned or operated ambulances, armored cars, fleet owner inspection and maintenance stations, and vehicles used for the transportation of hazardous material, including the transportation of explosives.
 - 4) Requires an applicant for an ambulance driver certificate to satisfy certain requirements and exempts salaried, regular, full-time police officers, deputy sheriffs, or members of a fire department of a public agency from those requirements. This exemption does not include volunteers and part-time employees or members of a department whose duties are primarily clerical or administrative.

FISCAL EFFECT: Unknown

COMMENTS: There are currently 715 public and private ambulance services statewide in California, 170 of which are private sector ambulance services. CHP inspects each non-government ambulance for safety and basic equipment, issues ambulance permits, conducts ambulance driver testing, and issues ambulance driver certificates. Private providers operate 74% of the 3,600 licensed ambulances in the state.

Existing law exempts public agency ambulance drivers (i.e. police, fire, members of a public agency) from obtaining an ambulance driver certificate and ambulance inspection from CHP. This allows local governments to self-certify and inspect all emergency vehicles. The self-certification process afforded to local governments across the state does not include federally recognized tribal governments.

This bill provides federally recognized tribes with a means to operate an ambulance without the need to complete inspection and/or licensing required of private companies, like all other local governments in California are afforded. This bill also allows the designation of tribal ambulances (and other firefighting/emergency vehicles) to be recognized as an AEV. This effectively removes the CHP from the approval and permitting process.

Tribal Governments in California and COVID-19: There are currently 109 federally recognized Indian tribes in California and several non-federally recognized tribes petitioning for federal recognition through the Bureau of Indian Affairs. Tribes in California currently have nearly 100 separate reservations or Rancherias. There are also a number of individual Indian trust allotments, where different jurisdictional rules apply.

Data from the Centers for Disease Control and Prevention show American Indians and Alaska Natives are the single group hardest-hit by the pandemic. They are diagnosed with COVID-19 at nearly twice the rate of white people, hospitalized almost four times as frequently and die at a rate of two and a half times that of whites. Native American leaders have confirmed those figures do not reflect the death and sickness they have seen invade their communities, both on and off reservation land. These numbers also do not reflect national data of Native Americans with chronic diseases such as diabetes, heart disease and hypertension. While the data is unclear due to misclassification of native people, nearly 9,000 American Indians in California have been sickened by COVID-19 and 163 have died.

Tribal fire departments play a key role throughout the state on a daily basis to keep tribal citizens safe and healthy, especially during emergencies. There are approximately 70 tribal fire departments in California, which own and operate a variety of public safety vehicles, including in some cases ambulances. Availability of ambulances for tribal citizens and the community at large has been critical, especially during the COVID-19 pandemic. Tribal reservations are in the most remote portions of the state, and tribal governments who do not have access to an ambulance can wait over 30 minutes for a private ambulance to respond.

The current process for tribal governments to apply and be approved for an ambulance operator permit is cumbersome and time-consuming. In 2019, the San Manuel Band of Mission Indians Fire Department (San Manuel) purchased a state-of-the-art ambulance. In order to acquire the proper permit to operate, all 50 of San Manuel firefighters went to a private vendor, paid a fee, and submitted fingerprints; all 50 firefighters went to the Department of Motor Vehicles (DMV), paid a fee, took a test, and acquired another driver's license. A private vendor certified the ambulance's brakes and a CHP inspector conducted an inspection on the unit before a temporary permit was issued to San Manuel. The entire process took over a year from San Manuel's receipt of the vehicle to acquiring an ambulance operating permit from CHP.

Saving time saves lives: The private permitting process San Manuel went through adds effort, time, and expense for both the tribal government and its firefighters. There are unforeseen delays and added costs, and ultimately San Manuel was not able to serve their community as quickly as intended, even though equipment was available.

The lack of process for tribal governments to self-certify ambulance operating permits under existing law impedes tribal governments from placing into service critical emergency medical vehicles. This bill removes a hurdle for tribal governments by allowing their fire departments to self-certify ambulances for use on the reservation and the larger community. This bill explicitly adds "federally recognized Tribal governments" into Vehicle Code Section 2416, which gives local governments the authority to self-certify, and exempts "federally recognized Tribal governments" from Vehicle Code Sections 2501, 2510, and 12527, which requires CHP to license drivers and inspect ambulances.

Tribes are governments: The United States (U.S.) Department of the Interior has the authority to regulate tribal governments' land management and sovereignty. Tribal sovereignty refers to the fact that each tribe has the inherent right to govern itself. The federal government is obligated to promote tribal self-determination and tribes' ability to provide for the health and welfare of tribal citizens within tribal lands. Yet despite its formal recognition of a certain degree of Native sovereignty, the federal government has also exercised significant control over tribal peoples and lands. Throughout U.S. history, federal administrative bodies, such as the U.S. Department of the

Interior, have often failed to uphold the promises and obligations of sovereignty adequately. Tribal governments exist to provide for the welfare of the Indian people. This bill extends to tribal governments in California, the same exemptions all other local public safety agencies have with respect to ambulance certification, licensing, and permit requirements.

According to the author, “AB 798 updates the Vehicle Code to provide Tribes a means to self-certify ambulance services, bringing their rights in line with the rights of local governments in performing this certification. This will ensure that Tribes have the legal means to provide vital health services to their members.”

In support, the San Manuel Band of Mission Indians writes, “AB 798 would ensure the same exemptions granted to other public safety agencies are extended to the Tribal Fire Departments so their public safety vehicles can be placed into service faster for the benefit of the community.”

Previous Legislation: AB 3246 (Transportation Omnibus) Chapter 198, Statutes of 2018 establishes requirements for ambulance driver certification, among many other provisions.

AB 731 (Gallagher) Chapter 303, Statutes of 2015 makes numerous technical changes in the California codes that have been recommended by the Legislative Counsel's Office.

AB 1317 (Frazier) Chapter 352, Statutes of 2013 enacts the statutory changes to make conforming name changes to properly reflect the assignment and reorganization of the functions of state government among the newly established executive entities and officers.

AB 3472 (Committee on Local Government) Chapter 872, Statutes of 1997 authorizes CHP to issue authorized emergency vehicle permits to the following operators: police, public utilities, fire, air pollution control district, privately owned ambulances, city or county hazardous materials hazardous response team, among many other provisions.

VEH §2510 Chapter 955, Statues 1984 authorizes CHP to inspect for identification data and reports of inspection when applying for a license to operate ambulances or armored cars.

REGISTERED SUPPORT / OPPOSITION:

Support

San Manuel Band of Mission Indians (Sponsor)

Morongongo Band of Mission Indians

Opposition

None on file

Analysis Prepared by: Julia Kingsley / TRANS. / (916) 319-2093