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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- MOTOR PASSENGER CARRIERS
-- NON-EMERGENCY MEDICAL TRANSPORTATION

Introduced By: Representative Patricia A. Serpa

Date Introduced: May 01, 2024

Referred To: House Corporations

(Governor)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 39-13-1 of the General Laws in Chapter 39-13 entitled "Motor
2 Passenger Carriers" is hereby amended to read as follows:

3 **39-13-1. Definitions.**

4 (a) "Coordinated paratransit services" means paratransit services coordinated by the
5 department of transportation, to be provided under a brokerage or other contractual model to
6 provide, promote, and coordinate new or existing paratransit operations to enable all state,
7 municipal, and private agencies access to appropriate paratransit services. [For the purpose of this](#)
8 [chapter, non-emergency medical transportation as defined in § 39-14.3-1 shall not be considered to](#)
9 [be coordinated paratransit services.](#)

10 (b) "Jitney" means and includes any motor bus or other public-service motor vehicle
11 operated in whole or in part upon any street or highway in such manner as to afford a means of
12 transportation similar to that afforded by a street railway company, by indiscriminately receiving
13 or discharging passengers; or running on a regular route or over any portion thereof; or between
14 fixed termini.

15 (c) "Paratransit services" means flexible transportation services provided on a demand-
16 responsive and advance-reservation basis, for any destination within the scope of a service program
17 provided by a state or municipal agency, the fee for which is determined pursuant to a contract
18 between the service provider and the state or municipal agency. Paratransit includes single or group

1 trips or trips made on a recurring basis such as for work, school, medical, nutrition, and sheltered
2 workshops.

3 (d) "Public-service motor vehicle" shall include all motor vehicles as defined in § 31-1-3,
4 used for the transportation of passengers for hire.

5 (e) "Transportation operator(s)" means an entity(ies) providing flexible transportation
6 services that are operated publicly or privately, and are distinct from conventional fixed-route,
7 fixed-schedule transit, and are generally operated with low-capacity vehicles that provide curb-to-
8 curb or door-to-door service that typically involves transportation of elderly, disabled, low-income,
9 or the otherwise transportation-dependent population.

10 SECTION 2. Title 39 of the General Laws entitled "PUBLIC UTILITIES AND
11 CARRIERS" is hereby amended by adding thereto the following chapter:

12 CHAPTER 14.3

13 NON-EMERGENCY MEDICAL TRANSPORTATION

14 **39-14.3-1. Definitions.**

15 Terms used in this chapter shall be construed as follows, unless another meaning is
16 expressed or is clearly apparent from the language or context:

17 (1) "Certificate" means a certificate of operating authority issued to a non-emergency
18 medical transportation service provider.

19 (2) "Common carrier" means any person engaging in the business of providing for-hire
20 non-emergency medical transportation services as defined in this chapter.

21 (3) "Division" means the division of public utilities and carriers.

22 (4) "Driver" means any person operating a motor vehicle used to provide non-emergency
23 medical transportation services that the person owns or is operating with the expressed or implied
24 consent of the vehicle owner.

25 (5) "EOHHS" means the Rhode Island executive office of health and human services.

26 (6) "Non-emergency medical transportation" or "NEMT" means the transportation
27 program established to provide cost effective NEMT services for individuals eligible for medical
28 assistance under the Medicaid State Plan who need access to health care services and have no other
29 means of transportation. The program is inclusive of the Elderly Transportation Program (ETP)
30 and monthly bus pass distribution for the TANF ("RI Works") program. It is a key benefit of
31 Medicaid defined under 42 C.F.R. 457.1206 and is frequently coordinated by state agencies,
32 departments, and authorities, including the executive office of health and human services and the
33 Ride program administered by the Rhode Island public transit authority, and may be coordinated
34 by a third-party scheduler contracted by such state agency, department or authority. For the

1 purposes of this chapter, the coordination of transportation by medical facilities when discharging
2 patients/clients shall not be deemed NEMT.

3 (7) "Non-emergency medical vehicle" ("NEMT vehicle") means a vehicle operated under
4 the authority of a NEMT certificate holder in vehicles bearing "Public Service" registration plates
5 issued by the department of motor vehicles.

6 (8) "Passenger" means an individual being transported by a certificated carrier in
7 conformance with the provisions of this chapter.

8 (9) "Person" means and includes any individual, partnership, corporation, or other
9 association of individuals.

10 (10) "Public motor vehicle" and "PMV" and "public motor vehicle certificate of operating
11 authority" means the type of vehicle and operating certification process as defined in § 39-14.1-1.

12 (11) "RIPTA" means the Rhode Island public transit authority.

13 (12) "Special license" means a license, commonly referred to as a "hackney operator's
14 license," issued by the division of public utilities and carriers authorizing drivers to transport
15 passengers for compensation.

16 (13) "Taxicab" means every motor vehicle identified as such in § 39-14-1.

17 (14) "Third-party scheduler" means a vendor engaged by a state agency, department or
18 authority to schedule and coordinate transportation services for clients of the agency, department
19 or authority.

20 (15) "Vehicle" means a motor vehicle used to provide non-emergency medical
21 transportation services as defined in this chapter.

22 (16) "Vehicle markings" means markings required to be affixed to the outside of vehicles
23 identifying the vehicle as providing NEMT service.

24 (17) "Wheelchair-accessible vehicle" means a vehicle designed and equipped to allow the
25 transportation of a passenger who uses a wheelchair without requiring that passenger to be removed
26 from the wheelchair.

27 **39-14.3-2. Powers of division.**

28 Every person owning or operating a motor vehicle engaged in providing non-emergency
29 medical transportation is declared a common carrier and subject to the jurisdiction of the division.
30 The division may prescribe any rules and regulations that it deems proper to ensure adequate,
31 economical, safe, and efficient service regulated under this chapter. Moreover, the executive office
32 of health and human services shall determine reasonable vehicle standards to ensure NEMT
33 vehicles are of satisfactory condition, age, and mileage to be used to transport NEMT passengers
34 in a safe, sanitary, and acceptable manner.

1 **39-14.3-3. Certificate required for NEMT operations.**

2 (a) No person shall operate a vehicle in the provision of non-emergency medical
3 transportation in this state until the person shall have obtained an NEMT certificate of operating
4 authority from the division certifying that the applicant is fit, willing, and able to provide such
5 service to passengers. The certificate shall be issued only after submission to the division of a
6 written application for it, accompanied by a fee of one hundred twenty-five dollars (\$125), and
7 after a public hearing has been conducted on the application. Certificates issued under this chapter
8 shall be renewed before the close of business on December 31 of each calendar year. The renewal
9 fee shall be one hundred dollars (\$100) and shall be submitted with the renewal form. All revenues
10 received under this section shall be deposited as general revenues.

11 (b) Notwithstanding the provisions of subsection (a) of this section, the division shall have
12 the authority to automatically grant such a certificate to any applicant who has previously held a
13 public motor vehicle certificate, issued under § 39-14.1-3 ("PMV certificate"), and has utilized that
14 certificate solely to provide non-emergency medical transportation prior to the establishment of
15 this chapter. In such instances, the division may administratively convert such a PMV certificate to
16 an NEMT certificate without the need for an additional application fee to be paid or an application
17 hearing to be held. The division shall establish a mechanism for all such certificate conversion
18 requests to be made no later than August 1, 2024. Nothing in this subsection shall be construed to
19 mean that such converted certificates are exempt from the annual renewal process listed in
20 subsection (a) of this section.

21 (c) Non-emergency medical transportation services provided by RIPTA and by licensed
22 ambulance companies shall be exempt from this chapter.

23 (d) Taxicab companies certificated and authorized by the division under chapter 14 of title
24 39 shall be permitted to provide non-emergency medical transportation services without the need
25 to apply for an NEMT certificate as required in subsection (a) of this section; provided, however,
26 that taxicabs shall not provide services beyond the authority conferred through its division-issued
27 certificate of public convenience and the requirements set forth in chapter 14 of title 39.

28 (e) Transportation network companies authorized by the division under chapter 14.2 of title
29 39 shall be exempt from this chapter, provided, that non-emergency medical transportation
30 conducted by such companies shall be provided in accordance with policies established by EOHHS.

31 (f) No for-hire transportation services authorized by the division under chapters 13 or 14.1
32 of title 39 shall be authorized to provide non-emergency medical transportation services, without
33 first having obtained an NEMT certificate as required in subsection (a) of this section.

34 **39-14.3-4. Hearing on application.**

1 Upon receipt of an application for new authority, the division shall, within a reasonable
2 time, set the time and place for the required hearing. Notice of the hearing shall be given by first-
3 class mail to the applicant and shall be published on the division's agency website. Following the
4 hearing, the administrator of the division shall issue a decision granting or denying the application
5 as soon as practicable.

6 **39-14.3-5. Safety and sanitary condition of vehicles - Inspection and suitability.**

7 The division of motor vehicles shall have jurisdiction over the lighting, equipment, safety
8 and sanitary condition of all vehicles utilized to provide non-emergency medical transportation and
9 shall cause an inspection of it to be made before registering it, and from time to time thereafter, as
10 it shall deem necessary for the convenience, protection, and safety of passengers and of the public.
11 The division of motor vehicles shall establish a reasonable fee to be paid for each annual inspection.
12 Moreover, the executive office of health and human services shall ensure that the vehicles are of
13 satisfactory condition, age, and mileage to be used to transport NEMT passengers in a safe, sanitary,
14 and acceptable manner.

15 **39-14.3-6. Registration and vehicle markings.**

16 (a) Every vehicle engaged in non-emergency medical transportation shall be appropriately
17 registered with the division of motor vehicles to be operated on the roadways of the state. Moreover,
18 before being used to transport passengers, certificate holders shall register each vehicle with the
19 division on a form that lists vehicle year, make, model, and license plate number.

20 (b) Every vehicle used to provide non-emergency medical transportation services shall bear
21 markings on the outside of the vehicle identifying it as authorized to provide such services. Such
22 markings shall make it clearly identifiable as an NEMT vehicle and shall list the NEMT certificate
23 number issued by the division. The division shall, in conjunction with EOHHS and all other state
24 agencies that contract for NEMT services on behalf of passengers, establish reasonable guidelines
25 for such vehicle markings.

26 **39-14.3-7. Drivers - General requirements.**

27 No person shall operate an NEMT vehicle for compensation upon the public highways
28 until the person shall have first obtained an operator's license as provided for in chapter 10 of title
29 31. Provided, further, no person shall operate an NEMT vehicle upon the highways until the person
30 shall have first obtained a special license from the division under any rules and regulations that the
31 division shall have established in accordance with § 3-14-20 and § 39-14.1-8. Nothing in this
32 section shall prohibit the executive office of health and human services from requiring additional
33 vetting and/or training of NEMT drivers.

34 **39-14.3-8. Proof of financial responsibility.**

1 The owner of any NEMT vehicle operating under this chapter shall file with the division a
2 certificate of insurance issued by an insurance company authorized to transact business in this state,
3 showing that the owner has a policy insuring the NEMT certificate holder against liability for injury
4 to person and damage to property that may be caused by the operation of the NEMT vehicle, which
5 policy shall provide for the indemnity in the sum of not less than one million five hundred thousand
6 dollars (\$1,500,000) for personal injury and indemnity of not less than one hundred thousand
7 dollars (\$100,000) for damage to property. Such proof of financial responsibility shall be
8 resubmitted annually when the NEMT certificate is renewed in accordance with § 39-14.3-3 (a).

9 **39-14.3-9. Penalty for violations - General.**

10 (a) Any person, firm, or corporation, subject to the provisions of this chapter and/or any
11 rules and regulations promulgated under it, who shall knowingly or willfully cause to be done any
12 act prohibited by this chapter, or who shall be guilty of any violation of this chapter or the rules
13 and regulations shall be deemed guilty of a misdemeanor and shall, upon conviction, be subject to
14 a fine not to exceed one thousand dollars (\$1,000) or imprisonment for a term not exceeding one
15 year, or both for each offense.

16 (b) The administrator of the division may, in their discretion, in lieu of seeking criminal
17 sanctions, and/or in lieu of revoking or suspending the carrier's operating authority as conferred
18 under this chapter, impose upon its regulated common carriers an administrative civil penalty
19 ("fine"). This fine shall not exceed one thousand dollars (\$1,000) per violation under this chapter
20 or the division's rules and regulations promulgated under this chapter.

21 SECTION 4. This act shall take effect on August 1, 2024.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- MOTOR PASSENGER CARRIERS
-- NON-EMERGENCY MEDICAL TRANSPORTATION

1 This act would establish a safe and reasonable regulatory framework for companies and
2 drivers providing non-emergency medical transportation services to a population of vulnerable
3 passengers through coordination with the state's health and human service agencies.

4 This act would take effect on August 1, 2024.

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