

Ambulance—What is an “Ambulance of Standard Make or Kind”—Duty of Mines Employing Less Than 500 Men Within a Radius of Six Miles to Furnish Ambulance.

An ambulance fitted and adapted to carry the sick or wounded according to the customary methods in modern practice, and which furnishes “speedy transportation of anyone injured in the mine to his home,” complies with the requirement of Chapter 185 of the Laws of 1921, and constitutes an “ambulance of standard make or kind.”

The clause, requiring that every mine must provide for the “speedy transportation of anyone injured in the mine to his home,” is mandatory upon all mines, including those employing less than 500 men. It is optional, however, with mines employing less than 500 men to join in providing an ambulance in lieu of making other arrangements for the “speedy transportation of anyone injured in such mine to his home.”

Jerome G. Locke, Esq.,
Chairman Industrial Accident Board,
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My dear Mr. Locke:

You have asked for an interpretation of Chapter 185 of the Laws of 1921, as to what is meant by "an ambulance of standard make or kind." Also whether this chapter requires mines employing less than 500 men, and within a radius of six miles, to join in furnishing such an ambulance.

The portion of Chapter 185 relating to your inquiry is as follows:

"At every mine where men are employed underground, it shall be the duty of the operator thereof * * * to provide for the speedy transportation of anyone injured in such mine to his home. * * * There shall also be provided at any mine where more than five hundred (500) men are employed an ambulance of standard make or kind to be used for the purpose of transporting sick or injured workmen from the mine to the hospital or home of such sick or injured workmen; provided, however, that mines employing less than five hundred (500) men may jointly, when located within a radius of six (6) miles of each other, provide an ambulance as provided in this section for the joint service of such mines, which ambulance shall be kept at the mine or garage that is most centrally or conveniently located for the service of the joint users."

As to what constitutes an "ambulance of standard make or kind," there is no legal enactment or decision to aid in determining, and resort must be had to the ordinary meanings of the terms employed. Ambulance is defined as: "A covered wagon or other vehicle fitted for conveying the sick or wounded." The adjective "standard" is defined by Webster as "being, affording or according with, a standard for comparison or judgment." The noun "standard" is defined as "that which is established by authority, custom, or general consent, as a model or example; criterion; test."

There is in the statute no indication of what standard of comparison is to be employed, and no maximum requirements are fixed, or specific provision as to size, equipment or facilities made. There being no standard "established by authority," any ambulance fitted and adapted to receive and carry the sick or wounded according to the customary or established methods of handling them in accordance with modern practice, as ambulances used by modern hospitals and by the Government in transporting the wounded from the battle-field, which have arrangements for the person being transported to lie down, and are usually so constructed and equipped as to receive a stretcher with the patient upon it, and which provide "for the speedy transportation of anyone injured in such mine to his home," would comply with the statute.

The requirement of the statute, as quoted above, making it the duty of the operator of a mine "to provide for the speedy transportation of anyone injured in such mine to his home," is mandatory and binding upon all mines, including those employing less than 500 men, and the statement that such mines may jointly, when located within a radius of six miles of each other, provide an ambulance, in my opinion makes it optional with mines employing less than that number of men to join in providing an ambulance in lieu of making other arrangements for the speedy transportation of injured persons to their homes.

Very truly yours,

WELLINGTON D. RANKIN,

Attorney General.