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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1235 Session of  
2018

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INTRODUCED BY VULAKOVICH, COSTA, ARGALL, BREWSTER, HUTCHINSON,  
LANGERHOLC AND MENSCH, AUGUST 23, 2018

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REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
AUGUST 23, 2018

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AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania  
2 Consolidated Statutes, in emergency management services,  
3 providing for emergency response payment.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 35 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 79B

9 EMERGENCY RESPONSE PAYMENT

10 Sec.

11 79B01. Definitions.

12 79B02. Reimbursement.

13 79B03. Procedure.

14 79B04. Penalty.

15 79B05. Cost of appeal.

16 79B06. Reports.

17 79B07. Guidelines.

18 § 79B01. Definitions.

1 The following words and phrases when used in this chapter  
2 shall have the meanings given to them in this section unless the  
3 context clearly indicates otherwise:

4 "Actual and reasonable response costs." An amount that is  
5 consistent with what a reasonable person would pay in the same  
6 or similar circumstances for the same business or for the same  
7 or similar item. This term shall not include any costs for  
8 labor.

9 "Emergency." An incident that requires responsive,  
10 coordinated action to protect an individual, the environment,  
11 critical infrastructure or property, and the responsive,  
12 coordinated action is the result of an official dispatch.

13 "Fire company." A volunteer fire company located in this  
14 Commonwealth.

15 "Incident commander." An individual responsible for all  
16 incident-related activities as described in the National  
17 Incident Management System.

18 "Official dispatch." The dispatch of a fire company to an  
19 emergency by a public safety answering point or a response to a  
20 special call or request from an incident commander for  
21 assistance with an emergency.

22 § 79B02. Reimbursement.

23 A person involved in an emergency that necessitates an  
24 official dispatch of a fire company shall be liable for the  
25 actual and reasonable response costs incurred by the fire  
26 company for services rendered unless the person has:

27 (1) paid a tax which funds at least part of the fire  
28 company's services to the municipality in which the fire  
29 company is located; or

30 (2) paid a subscription to the fire company. The fire

1 company shall identify the rate at which a person may be  
2 exempt from being billed.

3 § 79B03. Procedure.

4 (a) Billing.--A fire company may seek reimbursement from an  
5 insurer for actual and reasonable response costs related to an  
6 emergency as provided for under this section. A bill for  
7 reimbursement must clearly itemize the costs that have been  
8 incurred as provided for under section 79B07 (relating to  
9 guidelines).

10 (b) Reimbursement.--A bill for actual and reasonable  
11 response costs shall be submitted for payment by a fire company  
12 to an insurer. Notwithstanding section 79B07, submission of a  
13 bill to an insurer shall not relieve a person under section  
14 79B02 (relating to reimbursement) from financial responsibility  
15 if an insurer denies payment of the bill.

16 (c) Failure to pay.--A fire company that submits to an  
17 insurer a bill for actual and reasonable response costs as  
18 provided for under this section may file an action in a court of  
19 competent jurisdiction to recover the amount of the actual and  
20 reasonable response costs from a person under section 79B02 if  
21 the insurer fails to pay the amount of the bill.

22 (d) Bills from multiple fire companies.--If more than one  
23 fire company incurs actual and reasonable response costs in a  
24 response to an emergency, separate bills may be submitted by the  
25 fire companies, unless the fire companies were requested by an  
26 incident commander or through a public safety answering point.  
27 If the fire companies were requested by an incident commander or  
28 through a public safety answering point, only a single bill may  
29 be submitted on behalf of the fire companies.

30 (e) Insurance.--An insurer may not require a fire company to

1 contract with the insurer to receive payment under this chapter.

2 § 79B04. Penalty.

3 A fire company filing a false request for reimbursement  
4 commits a summary offense and, upon conviction, shall be  
5 sentenced to pay a fine of not more than \$100. A fire company  
6 shall pay a fine of \$1,000 for each subsequent offense.

7 § 79B05. Cost of appeal.

8 Notwithstanding any other provision of law, a person who  
9 loses an appeal relating to reimbursement of actual and  
10 reasonable response costs shall pay all costs of the appeal.

11 § 79B06. Reports.

12 A police report created as a result of an emergency response  
13 under this chapter shall be released to a requesting party  
14 within 30 days of the report's creation.

15 § 79B07. Guidelines.

16 The Office of the State Fire Commissioner shall establish fee  
17 guidelines in accordance with The Robert T. Stafford Disaster  
18 Relief and Emergency Assistance Act (Public Law 93-288, 88 Stat.  
19 143). The guidelines shall be published by the Pennsylvania  
20 Emergency Management Agency.

21 Section 2. This act shall take effect in 180 days.