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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1060 Session of  
2001

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INTRODUCED BY VANCE, CLYMER, SCHRODER, SOLOBAY, BELARDI,  
BELFANTI, BUNT, CALTAGIRONE, L. I. COHEN, M. COHEN, CORRIGAN,  
CREIGHTON, DAILEY, FLEAGLE, FLICK, GEIST, GRUCELA, HENNESSEY,  
HERMAN, HUTCHINSON, LAUGHLIN, LEH, LEVDANSKY, LUCYK, MARSICO,  
MCGILL, McNAUGHTON, MELIO, S. MILLER, MYERS, ORIE, PIPPY,  
PRESTON, ROSS, RUBLEY, SATHER, SAYLOR, SCRIMENTI, SEMMEL,  
SHANER, B. SMITH, STRITTMATTER, SURRA, E. Z. TAYLOR, THOMAS,  
TRELLO, WATSON, WILT AND YOUNGBLOOD, MARCH 19, 2001

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REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, MARCH 19, 2001

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AN ACT

1 Providing for certain emergency services reimbursements.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Volunteer  
6 Emergency Services Reimbursement Act.

7 Section 2. Legislative findings and declaration.

8 (a) Findings enumerated.--The General Assembly finds as  
9 follows:

10 (1) Volunteer emergency services organizations are  
11 experiencing ever-increasing financial burdens.

12 (2) The increasing financial burdens and costs are  
13 having an adverse and seriously negative impact upon  
14 maintaining and providing adequate emergency services

1 response capabilities for communities across this  
2 Commonwealth.

3 (3) Volunteer emergency services organizations can no  
4 longer realistically afford or be expected to exist and  
5 provide services at a financial loss.

6 (b) Declaration.--The General Assembly declares as follows:

7 (1) It is vital to establish for our volunteer emergency  
8 services providers a mechanism and process whereby they can  
9 be reimbursed financially for real and reasonable expenses  
10 related to responding to emergency situations, incidents or  
11 events.

12 (2) Such a process and mechanism should be self-  
13 supporting.

#### 14 Section 3. Definitions.

15 The following words and phrases when used in this act shall  
16 have the meanings given to them in this section unless the  
17 context clearly indicates otherwise:

18 "Emergency communication center." An officially recognized  
19 and approved Federal, State, county or municipal operation whose  
20 purpose is to receive emergency calls, to determine the  
21 appropriate agency, equipment and/or vehicles required to  
22 respond to these calls and then to dispatch the appropriate  
23 agency, equipment and/or emergency vehicle or vehicles to the  
24 location of the emergency situation, incident or event.

25 "Emergency situation, incident or event." A disaster;  
26 hazardous materials incident; fire; industrial or private  
27 security or fire alarm systems incident; industrial accident;  
28 auto accident; medical emergency; nonemergency call for medical  
29 assistance; or any other situation, incident or event that does  
30 or may present a potential danger and/or threat to the health

1 and safety of members of the public.

2 "Officially recognized dispatch." The dispatch of a  
3 volunteer emergency services organization by an officially  
4 recognized and approved emergency communication center or  
5 response to a special call or request from the Pennsylvania  
6 State Police or local police whether it comes through an  
7 emergency communications center or not. A volunteer emergency  
8 services organization that responds to a special call or request  
9 from the Pennsylvania State Police or local police that has not  
10 come through an officially recognized and approved emergency  
11 communication center prior to the special call or request. Upon  
12 notification by a volunteer emergency services organization of a  
13 request for dispatch, the emergency communication center shall  
14 approve the response and assign a dispatch number to the  
15 volunteer emergency services organization and then contact the  
16 municipal emergency services department, organization or person  
17 making the request to confirm the request.

18 "Person." Includes a corporation, partnership, business  
19 trust, other association, governmental entity other than the  
20 Commonwealth, estate, trust, foundation or natural person.

21 "Volunteer ambulance service." A nonprofit chartered  
22 corporation, association or organization located in this  
23 Commonwealth which is regularly engaged in the service of  
24 providing emergency medical care and transportation of patients.

25 "Volunteer emergency services organization." An organization  
26 which is a volunteer fire company, volunteer ambulance service,  
27 volunteer rescue squad or volunteer hazardous material response  
28 team.

29 "Volunteer fire company." A nonprofit chartered  
30 organization, association or organization located in this

1 Commonwealth which provides fire protection services, including  
2 fire police services and other volunteer emergency services  
3 within this Commonwealth. Volunteer emergency services provided  
4 by a volunteer fire company may include volunteer ambulance and  
5 volunteer rescue service.

6 Section 4. Requirement to pay for response to emergencies.

7 A person involved in an emergency situation, incident or  
8 event that necessitates a response from a volunteer emergency  
9 services organization shall be liable for the actual and  
10 reasonable response costs incurred by the volunteer emergency  
11 services organization unless the person:

12 (1) has paid to the municipality wherein the volunteer  
13 emergency services organization is located, a tax which funds  
14 at least in part volunteer emergency services; or

15 (2) has made a monetary contribution to an annual fund  
16 drive of an emergency services organization recognized by the  
17 resident's municipality within the preceding 12 months from  
18 the date of the emergency situation, incident or event that  
19 necessitates a response from a volunteer emergency services  
20 organization.

21 Section 5. Establishment of reimbursement procedures.

22 (a) Billing.--Volunteer emergency services organizations may  
23 bill for real and reasonable reimbursement for costs related to  
24 responding to calls dispatched by an officially recognized and  
25 approved emergency communication center.

26 (b) Reimbursement.--When a person receives a bill for  
27 reimbursement from a volunteer emergency services organization,  
28 the person shall be responsible for payment. If the person is  
29 forwarding the bill for reimbursement to an insurance company,  
30 the person must notify the volunteer emergency services

1 organization from which the bill for reimbursement was received.  
2 Forwarding the bill for reimbursement to an insurance company  
3 does not relieve the person from financial responsibility for  
4 payment.

5 (c) Legal process.--If negotiations to recover response  
6 costs do not resolve the dispute to the satisfaction of the  
7 parties involved, the volunteer emergency services organization  
8 may recover its response costs in an action at law or in equity  
9 brought before a court of competent jurisdiction. Should more  
10 than one volunteer emergency services organization incur  
11 response costs for the same emergency situation, incident or  
12 event, the volunteer emergency services organizations involved  
13 may file a joint action at law or in equity and may designate  
14 one such organization to represent the others in the action.

#### 15 Section 6. Rules and regulations.

16 The rules and regulations necessary for the implementation of  
17 this act shall be established as follows:

18 (1) The Office of State Fire Commissioner, in  
19 consultation with the Fire Safety Advisory Committee  
20 established under the act of November 13, 1995 (P.L.604,  
21 No.61), known as the State Fire Commissioner Act, shall  
22 promulgate rules and regulations pertaining to reimbursing  
23 volunteer fire companies.

24 (2) The Department of Health, in consultation with the  
25 Pennsylvania Emergency Health Services Council, shall  
26 promulgate rules and regulations under this act pertaining to  
27 reimbursing volunteer ambulance services.

#### 28 Section 7. Penalties.

29 A volunteer emergency services organization filing a false  
30 request for reimbursement commits a summary offense and, upon

1 conviction, shall be sentenced to pay a fine of not more than  
2 \$100 for each false request.  
3 Section 8. Effective date.  
4 This act shall take effect in 180 days.