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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1058 Session of  
2003

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APRIL 2, 2003

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REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, APRIL 2, 2003

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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 Emergency  
6 Services Responder Reimbursement Act.

7 Section 2. Legislative findings and declaration.

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

10 (1) Emergency services providers in this Commonwealth,  
11 especially volunteers, have and are experiencing ever-  
12 increasing financial burdens.



1           (2) The increasing financial burdens and costs are  
2           having an adverse and serious negative impact upon  
3           maintaining, sustaining and providing emergency services.

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

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

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

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

### 15 Section 3. Definitions.

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

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

26          "Emergency service." A municipal, public, private or  
27          nonprofit service whose purpose is to respond to emergency  
28          situations, incidents and events and provide emergency or  
29          nonemergency assistance and service to the public. These  
30          emergency services shall include, but are not limited to,



1 hazardous materials response units, fire services, ambulances,  
2 heavy and light rescue squad units, quick response units and  
3 other related vehicles used in the normal operation of an  
4 emergency service.

5 "Emergency situation, incident or event." A disaster;  
6 hazardous materials incident; fire; industrial or private  
7 security or fire alarm systems; industrial accidents; auto  
8 accidents; medical emergencies; nonemergency calls for medical  
9 assistance; or to any other situation, incident or event that  
10 does or may present a potential danger and or threat to the  
11 health and safety of members of the public.

12 "False alarm." A willfully fraudulent and intentional  
13 transmission or request for a response by a volunteer emergency  
14 services organization where the person making the transmission  
15 or request knows there is no need for the transmission or  
16 request. A person transmitting or requesting a response by a  
17 volunteer emergency services organization who perceives or feels  
18 there could be or may be a need for the transmission or request  
19 shall not be considered to have transmitted or requested a  
20 willfully fraudulent and intentional false alarm.

21 "Municipal emergency services department." A fire  
22 department, ambulance service or rescue squad established,  
23 operated and funded by the municipality.

24 "Officially recognized dispatch." The dispatch of a  
25 volunteer emergency services organization by an officially  
26 recognized and approved emergency communication center or  
27 response to a special call or request from the Pennsylvania  
28 State Police or local police whether it comes through an  
29 emergency communication center or not. A volunteer emergency  
30 services organization that responds to a special call or request



1 from the Pennsylvania State Police or local police that has not  
2 come through an officially recognized and approved emergency  
3 communication center must be approved by an officially  
4 recognized emergency communication center prior to responding to  
5 the special call or request. Upon notification by a volunteer  
6 emergency services organization of a request for dispatch, the  
7 emergency communication center shall approve the response and  
8 assign a dispatch number to the volunteer emergency services  
9 organization and then contact the municipal emergency services  
10 department, organization or person making the request to confirm  
11 the request.

12 "Person." Includes a corporation, partnership, business  
13 trust, other association, governmental entity other than the  
14 Commonwealth, estate, trust, foundation or natural person.

15 "Volunteer ambulance service." A nonprofit chartered  
16 corporation, association or organization located in this  
17 Commonwealth which is regularly engaged in the service of  
18 providing emergency medical care and transportation of patients.

19 "Volunteer emergency service organization." An organization  
20 which is a volunteer fire company, volunteer ambulance service,  
21 volunteer rescue squad or volunteer hazardous material response  
22 team.

23 "Volunteer fire company." A nonprofit chartered  
24 organization, association or organization located in this  
25 Commonwealth which provides fire protection services, including  
26 fire police services, and other volunteer emergency service  
27 within this Commonwealth. Volunteer emergency service provided  
28 by a volunteer fire company may include volunteer ambulance and  
29 volunteer rescue service.

30 "Volunteer hazardous material response team." A nonprofit



1 chartered corporation, association or organization located in  
2 this Commonwealth whose members are specially trained to respond  
3 to accidents or situations where hazardous or toxic material are  
4 released into the environment.

5 "Volunteer rescue squad." A nonprofit chartered corporation,  
6 association or organization located in this Commonwealth which  
7 provides rescue service in this Commonwealth.

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

9 (a) Party liable for volunteer emergency services  
10 organization responses.--A person involved in an emergency  
11 situation, incident or event that necessitates a response from a  
12 volunteer emergency services organization shall be liable for  
13 the real and reasonable costs incurred by the volunteer  
14 emergency services organization.

15 (b) Party liable for fire department responses.--A person  
16 involved in an emergency situation, incident or event that  
17 necessitates a response from a municipal fire department,  
18 ambulance service or rescue squad shall be liable for the real  
19 and reasonable costs incurred by the paid fire department unless  
20 the person is a resident of or taxpayer in the municipality  
21 where the incident occurs.

22 (c) Party responsible for false alarms.--A person who makes  
23 or transmits a false alarm which results in a response by a  
24 volunteer emergency services organization shall be liable for  
25 real and reasonable costs incurred by the volunteer emergency  
26 services organization in responding to the false alarm. These  
27 costs would be in addition to any fines or penalties imposed by  
28 the State or municipality for false alarms.

29 Section 5. County office of emergency services reimbursement.

30 (a) Establishment.--Each county shall establish and maintain



1 an office of emergency services reimbursement.

2 (b) Powers, duties and procedures.--

3 (1) The county offices of emergency services  
4 reimbursement shall process and file reimbursement claims for  
5 the volunteer emergency services organizations and municipal  
6 emergency services department in their respective county, in  
7 accordance with regulations promulgated for the  
8 administration of the act and utilize a standard form for the  
9 volunteer emergency services organizations and municipal  
10 emergency services departments in its county when applying  
11 for reimbursement.

12 (2) Volunteer emergency services organizations and  
13 municipal emergency services departments may apply for real  
14 and reasonable reimbursement for costs related to responding  
15 to calls dispatched by an officially recognized and approved  
16 emergency communication center as authorized in section 4.

17 (3) A volunteer emergency services organization or  
18 municipal emergency services department wishing reimbursement  
19 for costs related to an officially recognized dispatch shall  
20 apply to the county office of emergency services  
21 reimbursement where the emergency situation, incident, event  
22 or false alarm occurred. A volunteer emergency service or  
23 municipal emergency services organization involved in mutual  
24 aid may be considered for reimbursement, in accordance with  
25 regulations promulgated for the administration of this act.

26 (4) In those instances where a volunteer emergency  
27 services organization or municipal emergency services  
28 department from one county responds into another county, the  
29 request for reimbursement shall be forwarded to the county  
30 office where the emergency situation, incident, event or



1 false alarm occurred.

2 (5) Upon receipt of requests for reimbursement  
3 compensation, the county office of emergency services  
4 reimbursement shall determine real and reasonable costs, in  
5 accordance with regulations promulgated for the  
6 administration of this act, and then forward a bill for  
7 reimbursement directly to the person responsible for causing  
8 the situation, incident, event or false alarm.

9 (6) When a person receives a bill for reimbursement from  
10 a county office of emergency services reimbursements, the  
11 person shall be responsible for payment. If the person is  
12 forwarding the bill for reimbursement to an insurance  
13 company, the person must notify the county office of  
14 emergency services reimbursement from which the bill for  
15 reimbursement was received. Forwarding the bill for  
16 reimbursement to an insurance company does not relieve the  
17 person from financial responsibility for payment.

18 (7) Upon receipt of payment of claims, the county office  
19 for emergency services reimbursement shall reimburse,  
20 according to services rendered and need to respond, those  
21 volunteer emergency services organizations or municipal  
22 emergency services departments who applied for reimbursement  
23 in accordance with regulations promulgated for the  
24 administration of this act.

## 25 Section 6. Funding.

26 Each county office of emergency services reimbursement shall  
27 be funded by the retaining of an amount up to 10% of each claim  
28 settled. This amount shall be used by the county office of  
29 emergency services reimbursement for operating and  
30 administrative costs. Remaining funds shall be disbursed in



1 accordance with section 5.

2 Section 7. Rules and regulations.

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

5 (1) The Pennsylvania Emergency Management Agency, in  
6 consultation with volunteer emergency services organizations,  
7 shall promulgate rules and regulations pertaining to  
8 reimbursing volunteer fire companies, volunteer hazardous  
9 material response teams and municipal fire departments.

10 (2) The Department of Health in consultation with  
11 volunteer emergency services organizations shall promulgate  
12 rules and regulations under this act pertaining to  
13 reimbursing volunteer ambulance services and municipal  
14 ambulance departments.

15 Section 8. Penalties.

16 Volunteer emergency services organizations filing false  
17 requests for reimbursement commit a summary offense and, upon  
18 conviction, shall be fined up to \$100 for each false request.

19 Section 9. Repeals.

20 All acts and parts of acts are repealed insofar as they are  
21 inconsistent with this act.

22 Section 10. Effective date.

23 This act shall take effect in 180 days.