
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1272 Session of
2015

INTRODUCED BY DUSH, COHEN, GOODMAN, HELM, IRVIN AND SAYLOR,
JUNE 1, 2015

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, JUNE 1, 2015

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, providing for emergency response
3 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 79A

9 EMERGENCY RESPONSE PAYMENT

10 Sec.

11 79A01. Definitions.

12 79A02. Reimbursement.

13 79A03. Procedure.

14 79A04. Penalty.

15 79A05. Cost of appeal.

16 79A06. Reports.

17 79A07. Guidelines.

18 § 79A01. 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 § 79A02. 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 § 79A03. 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 79A07 (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 79A07, submission of a
13 bill to an insurer shall not relieve a person under section
14 79A02 (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 79A02 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 in which case, only a single bill may be submitted on behalf of
28 the fire companies.

29 (e) Insurance.--An insurer may not require a fire company to
30 contract with the insurer to receive payment under this chapter.

1 § 79A04. Penalty.

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

6 § 79A05. Cost of appeal.

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

10 § 79A06. Reports.

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

14 § 79A07. Guidelines.

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

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