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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 759 Session of  
2019

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INTRODUCED BY DUSH, JOZWIAK, GREINER, BERNSTINE, IRVIN, BARRAR,  
JAMES, M. K. KELLER, MILLARD, KEEFER, BURGOS, SAYLOR,  
SAINATO, GOODMAN, CIRESI, TOOHIL, RADER, FARRY, PASHINSKI,  
STRUZZI AND MASSER, MARCH 8, 2019

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REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, MARCH 8, 2019

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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.

1 § 79B01. Definitions.

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

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

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

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

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

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

23 § 79B02. Reimbursement.

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

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

1           (2) paid a subscription to the fire company. The fire  
2           company shall identify the rate at which a person may be  
3           exempt from being billed.

4   § 79B03. Procedure.

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

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

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

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

1 (e) Insurance.--An insurer may not require a fire company to  
2 contract with the insurer to receive payment under this chapter.  
3 § 79B04. Penalty.

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

8 § 79B05. Cost of appeal.

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

12 § 79B06. Reports.

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

16 § 79B07. Guidelines.

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

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