

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 759 Session of 2019

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

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 18, 2019

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:

CHAPTER 79B

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.

1 79B07. Guidelines.

2 § 79B01. Definitions.

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

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

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

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

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

20 "INSURER." A COMPANY, ASSOCIATION OR EXCHANGE DEFINED BY <--
21 SECTION 101 OF THE ACT OF MAY 17, 1921 (P.L.682, NO.284), KNOWN
22 AS THE INSURANCE COMPANY LAW OF 1921.

23 "Official dispatch." The dispatch of a fire company to an
24 emergency by a public safety answering point or a response to a
25 special call or request from an incident commander for
26 assistance with an emergency.

27 "VOLUNTEER FIRE COMPANY." AS DEFINED IN SECTION 7802 <--
28 (RELATING TO DEFINITIONS).

29 § 79B02. Reimbursement.

30 (A) EXPENSES.--A person involved in an emergency that <--

1 necessitates an official dispatch of a fire company shall be
2 liable for the actual and reasonable response costs incurred by
3 the fire company for services rendered. unless the person has: <--

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

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

10 (B) COSTS.--AN INSURER SHALL BE RESPONSIBLE FOR REIMBURSING <--
11 A FIRE COMPANY FOR ACTUAL AND REASONABLE RESPONSE COSTS AS
12 PROVIDED FOR UNDER THIS CHAPTER.

13 § 79B03. Procedure.

14 (a) Billing.--A fire company may IS AUTHORIZED TO seek <--
15 reimbursement from an insurer for actual and reasonable response
16 costs related to an emergency as provided for under this
17 section. A bill for reimbursement must clearly itemize the costs
18 that have been incurred as provided for under section 79B07
19 (relating to guidelines).

20 (b) Reimbursement.--A bill for actual and reasonable
21 response costs shall be submitted for payment by a fire company
22 to an insurer. Notwithstanding section 79B07, submission of a
23 bill to an insurer shall not relieve a person under section
24 79B02 (relating to reimbursement) from financial responsibility
25 if an insurer denies payment of the bill.

26 (c) Failure to pay.--A fire company that submits to an
27 insurer a bill for actual and reasonable response costs as
28 provided for under this section may file an action in a court of
29 competent jurisdiction to recover the amount of the actual and
30 reasonable response costs from a person under section 79B02 if

1 the insurer fails to pay the amount of the bill.

2 (d) Bills from multiple fire companies.--If more than one
3 fire company incurs actual and reasonable response costs in a
4 response to an emergency, ~~separate bills~~ ONLY ONE BILL may be <--
5 submitted by the fire companies, ~~unless~~ IF the fire companies <--
6 were requested by an incident commander or through a public
7 safety answering point FOR MUTUAL AID PURPOSES. ~~If the fire~~ <--
8 ~~companies were requested by an incident commander or through a~~
9 ~~public safety answering point, only a single bill may be~~
10 ~~submitted on behalf of the fire companies.~~

11 (e) Insurance.--An insurer may not require a fire company to
12 contract with the insurer to receive payment under this chapter.
13 § 79B04. Penalty.

14 A fire company filing a false request for reimbursement
15 commits a summary offense and, upon conviction, shall be
16 sentenced to pay a fine of not more than \$100. A fire company
17 shall pay a fine of \$1,000 for each subsequent offense.
18 § 79B05. Cost of appeal.

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

22 § 79B06. Reports.

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

26 § 79B07. Guidelines.

27 ~~The Office of the State Fire Commissioner shall establish fee~~ <--
28 ~~guidelines~~ REIMBURSEMENT RATE SHALL BE in accordance with The <--
29 Robert T. Stafford Disaster Relief and Emergency Assistance Act
30 (Public Law 93-288, 88 Stat. 143). ~~The guidelines~~ AND shall be <--

1 published by the Pennsylvania Emergency Management Agency. <--
2 OFFICE OF THE STATE FIRE COMMISSIONER ON ITS PUBLICLY ACCESSIBLE <--
3 INTERNET WEBSITE.

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