
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1044 Session of
2022

INTRODUCED BY DUSH AND MASTRIANO, FEBRUARY 7, 2022

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
FEBRUARY 7, 2022

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.

18 § 79B01. 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 "Insurer." A company, association or exchange defined by
19 section 101 of the act of May 17, 1921 (P.L.682, No.284), known
20 as The Insurance Company Law of 1921.

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

25 "Volunteer fire company." As defined in section 7802
26 (relating to definitions).

27 § 79B02. Reimbursement.

28 (a) Expenses.--A person involved in an emergency that
29 necessitates an official dispatch of a fire company shall be
30 liable for the actual and reasonable response costs incurred by

1 the fire company for services rendered.

2 (b) Costs.--An insurer shall be responsible for reimbursing
3 a fire company for actual and reasonable response costs as
4 provided for under this chapter.

5 § 79B03. Procedure.

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

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

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

24 (d) Bills from multiple fire companies.--If more than one
25 fire company incurs actual and reasonable response costs in a
26 response to an emergency, only one bill may be submitted by the
27 fire companies, if the fire companies were requested by an
28 incident commander or through a public safety answering point
29 for mutual aid purposes.

30 (e) Insurance.--An insurer may not require a fire company to

1 contract with the insurer to receive payment under this chapter.

2 § 79B04. Penalty.

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

7 § 79B05. Cost of appeal.

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

11 § 79B06. Reports.

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

15 § 79B07. Guidelines.

16 The reimbursement rate shall be in accordance with The Robert
17 T. Stafford Disaster Relief and Emergency Assistance Act (Public
18 Law 93-288, 88 Stat. 143) and shall be published by the Office
19 of the State Fire Commissioner on its publicly accessible
20 Internet website.

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