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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 354 Session of  
2023

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INTRODUCED BY DUSH, COLEMAN, STEFANO AND HUTCHINSON,  
FEBRUARY 10, 2023

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REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,  
FEBRUARY 10, 2023

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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; and imposing  
4 penalties.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 35 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a chapter to read:

9 CHAPTER 79C

10 EMERGENCY RESPONSE PAYMENT

11 Sec.

12 79C01. Definitions.

13 79C02. Reimbursement.

14 79C03. Procedure.

15 79C04. Penalties.

16 79C05. Cost of appeal.

17 79C06. Reports.

18 79C07. Guidelines.

1 § 79C01. 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 "Insurer." A company, association or exchange defined by  
20 section 101 of the act of May 17, 1921 (P.L.682, No.284), known  
21 as The Insurance Company Law of 1921.

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

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

28 § 79C02. Reimbursement.

29 (a) Expenses.--A person involved in an emergency that  
30 necessitates an official dispatch of a fire company shall be

1 liable for the actual and reasonable response costs incurred by  
2 the fire company for services rendered.

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

6 § 79C03. Procedure.

7 (a) Billing.--A fire company is authorized to seek  
8 reimbursement from an insurer for actual and reasonable response  
9 costs related to an emergency as provided for under this  
10 section. A bill for reimbursement must clearly itemize the costs  
11 that have been incurred as provided for under section 79C07  
12 (relating to guidelines).

13 (b) Reimbursement.--A bill for actual and reasonable  
14 response costs shall be submitted for payment by a fire company  
15 to an insurer. Notwithstanding section 79C07, submission of a  
16 bill to an insurer shall not relieve a person under section  
17 79C02 (relating to reimbursement) from financial responsibility  
18 if an insurer denies payment of the bill.

19 (c) Failure to pay.--A fire company that submits to an  
20 insurer a bill for actual and reasonable response costs as  
21 provided for under this section may file an action in a court of  
22 competent jurisdiction to recover the amount of the actual and  
23 reasonable response costs from a person under section 79C02 if  
24 the insurer fails to pay the amount of the bill.

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

1 (e) Insurance.--An insurer may not require a fire company to  
2 contract with the insurer to receive payment under this chapter.  
3 § 79C04. Penalties.

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 § 79C05. 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 § 79C06. 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 § 79C07. Guidelines.

17 The reimbursement rate shall be in accordance with 42 U.S.C.  
18 Ch. 68 (relating to disaster relief) and shall be published by  
19 the Office of the State Fire Commissioner on its publicly  
20 accessible Internet website.

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