
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2201 Session of
2024

INTRODUCED BY JOZWIAK, MARCELL, HAMM, RADER, JAMES, KAUFFMAN,
BURGOS AND ZIMMERMAN, APRIL 9, 2024

REFERRED TO COMMITTEE ON INSURANCE, APRIL 9, 2024

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. Penalty.

16 79C05. Cost of appeal.

17 79C06. Reports.

18 79C07. Guidelines and rates.

19 § 79C01. 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. The term shall not include costs for labor.

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

12 "Fire company." A volunteer fire company located in this
13 Commonwealth.

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

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

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

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

26 § 79C02. Reimbursement.

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

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

4 § 79C03. 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 79C07 (relating to
10 guidelines and rates).

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 79C07, submission of a
14 bill to an insurer shall not relieve a person under section
15 79C02 (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 79C02 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, only one bill may be submitted by the
26 fire companies, if the fire companies were requested by an
27 incident commander or through a public safety answering point
28 for mutual aid purposes.

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

1 § 79C04. 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 § 79C05. 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 § 79C06. 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 § 79C07. Guidelines and rates.

15 The reimbursement rates shall be determined by the Office of
16 the State Fire Commissioner, which shall be pursuant to the
17 reimbursement rate criteria provided under the Robert T.
18 Stafford Disaster Relief and Emergency Assistance Act (Public
19 Law 93-288, 88 Stat. 143), and shall be published by the Office
20 of the State Fire Commissioner. The Office of the State Fire
21 Commissioner shall post the reimbursement rates on its publicly
22 accessible Internet website.

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