HOUSE DOCKET, NO. 1710 FILED ON: 1/17/2013

HOUSE . . . . . No. 2159

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen Kulik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the recovery of emergency response costs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen Kulik	*1st Franklin*
Randy Hunt	*5th Barnstable*
John W. Scibak	*2nd Hampshire*

HOUSE DOCKET, NO. 1710 FILED ON: 1/17/2013

HOUSE . . . . . No. 2159

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 2159) of Stephen Kulik, Randy Hunt and John W. Scibak relative to the recovery of emergency response costs for search and rescue operations. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *650* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act relative to the recovery of emergency response costs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Chapter 6A of the General Laws is hereby amended by inserting after Section 18K the following section:

§ 18L. Liability for Search and Rescue Response Expenses.

(a) Whenever a government entity engages in a search and rescue operation for the purpose of searching for or rescuing a person, and incurs search and rescue expenses therein, the government entity may seek reimbursement from:

(1) the person for whom the search and rescue operation was conducted; or

(2) a person who knowingly provided false information that led to a search and rescue operation.

(b) The government entity may collect an amount not greater than the total cost of search and rescue expenses. Search and rescue expenses include, but are not limited to:

(1) any and all actual hourly wages, salaries, and employment-related benefits of persons participating in a search or rescue operation;

(2) any and all equipment costs, including rental, lease, use, repair, and/or replacement costs of equipment used in a search or rescue operation;

(3) any and all fuel expenses incident to a search or rescue operation; and

(4) any and all other expenses relating to a search and rescue operation.

(c) A government entity may obtain reimbursement under this section only when the person for whom the search and rescue operation was conducted:

(1) recklessly or intentionally created a situation requiring an emergency response; or

(2) negligently operated a motor vehicle, boat, off highway recreational vehicle, or aircraft while under the influence of an alcoholic beverage or controlled drug and thereby proximately caused any incident resulting in a public agency response.