

**HOUSE . . . . . No. 650**

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**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 adoption of the accompanying bill:

An Act relative to the recovery of emergency response costs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Stephen Kulik</i>	<i>1st Franklin</i>	<i>10/9/2012</i>

**HOUSE . . . . . No. 650**

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 650) of Stephen Kulik relative to the recovery of emergency response costs for search and rescue operations. Public Safety and Homeland Security.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Eleven**

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:*

1 Section 1. Chapter 6A of the General Laws is hereby amended by inserting after Section  
2 18K the following section:

3 § 18L. Liability for Search and Rescue Response Expenses.

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

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

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

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

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

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

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

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

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

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

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