

HOUSE No. 1277

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:

Stephen Kulik

DISTRICT/ADDRESS:

1st Franklin

HOUSE No. 1277

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 1277) of Stephen Kulik 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. 2148 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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.