

AMENDED IN ASSEMBLY MAY 13, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2151

Introduced by Assembly Member Wagner

February 20, 2014

An act to add Sections 26614.6 and 26614.7 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 2151, as amended, Wagner. Counties: search and rescue: costs.

Existing law provides that persons whose intentional wrongful conduct proximately causes an incident resulting in an appropriate emergency response is liable for the expenses of an emergency response by a public agency to the incident, up to \$12,000 per incident.

Existing law provides that the board of supervisors of a county may authorize the sheriff to search for and rescue persons, and that the expense incurred by the sheriff in the performance of those duties are a proper county charge. Existing law also requires the county or city and county of residence of a person, searched for or rescued by a sheriff, to pay to the county or city and county conducting the search or rescue all of the reasonable search or rescue expenses in excess of \$100 within 30 days after the submission of a claim.

This bill, notwithstanding the existing provisions relating to liability for specified emergency response expenses, would provide that whenever a county or city and county is billed by another county or city and county for, or conducts, a search or rescue of one of its residents who is 16 years of age or older, the county or city and county may in turn seek reimbursement for the actual costs incurred from that resident, if the need for the search or rescue necessitated the use of extraordinary

methods and specified acts or omissions were a contributing factor to the need for the search or rescue, and would require the person to pay within 30 days after being billed. This bill would prohibit the county or city and county from collecting charges from those persons who the county or city and county determines are unable to pay the charges. *This bill would provide that the county or city and county may only seek reimbursement if the board of supervisors of that county or city and county passes an ordinance consistent with this bill.*

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 26614.6 is added to the Government
 2 Code, to read:
 3 26614.6. (a) Notwithstanding Article 8 (commencing with
 4 Section 53150) of Chapter 1 of Part 1 of Division 2 of Title 5,
 5 whenever a county or city and county is billed for a search or
 6 rescue of one of its residents who is 16 years of age or older by
 7 another county or city and county, the county or city and county
 8 receiving the bill may in turn seek reimbursement for the actual
 9 costs incurred, including, but not limited to, the cost of operating
 10 vehicles or aircraft, the salaries of employees, and the cost of
 11 providing emergency medical services, from that resident if the
 12 need for the search or rescue necessitated the use of extraordinary
 13 methods and any of the following was a contributing factor to the
 14 need for the search or rescue:
 15 (1) Any act in violation of any federal or state law or local
 16 ordinance.
 17 (2) Any act or omission by the person searched for or rescued
 18 that shows wanton and reckless misconduct in disregard for his or
 19 her safety.
 20 (b) The county or city and county shall not collect charges from
 21 those persons who the county or city and county determines are
 22 unable to pay the charges.
 23 (c) *The county or city and county may only seek reimbursement*
 24 *as authorized by this section if the board of supervisors of that*
 25 *county or city and county passes an ordinance consistent with this*
 26 *section.*

1 SEC. 2. Section 26614.7 is added to the Government Code, to
2 read:

3 26614.7. (a) Notwithstanding Article 8 (commencing with
4 Section 53150) of Chapter 1 of Part 1 *of Division 2 of Title 5*, when
5 a person 16 years of age or older living within a county or city and
6 county is searched for or rescued, that person shall pay the county
7 or city and county conducting the search or rescue for the actual
8 cost incurred for the search or rescue, including, but not limited
9 to, the cost of operating vehicles or aircraft, the salaries of
10 employees, and the cost of providing emergency medical services,
11 within 30 days after being billed for those charges if the need for
12 the search or rescue necessitated the use of extraordinary methods
13 and any of the following was a contributing factor to the need for
14 the search or rescue:

15 (1) Any act in violation of any federal or state law or local
16 ordinance.

17 (2) Any act or omission by the person searched for or rescued
18 that shows wanton and reckless misconduct in disregard for his or
19 her safety.

20 (b) The county or city and county shall not collect charges from
21 those persons who the county or city and county determines are
22 unable to pay the charges.

23 (c) *The county or city and county may only seek reimbursement*
24 *as authorized by this section if the board of supervisors of that*
25 *county or city and county passes an ordinance consistent with this*
26 *section.*