

AMENDED IN SENATE JUNE 24, 2014

AMENDED IN ASSEMBLY MAY 13, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2151**

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**Introduced by Assembly Member Wagner**

February 20, 2014

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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 *was caused by* 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 *was caused by* any of the following ~~was a contributing~~
- 14 ~~factor to the need for the search or rescue~~:
- 15 (1) Any *intentional* act in *knowing* violation of any federal or
- 16 state law or local 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

1 county or city and county passes an ordinance consistent with this  
2 section.

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

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

17 (1) Any *intentional* act in *knowing* violation of any federal or  
18 state law or local ordinance.

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

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

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