



2005 ASSEMBLY BILL 610

August 16, 2005 - Introduced by Representatives GIELOW, WASSERMAN, ALBERS, BERCEAU, GRONEMUS, GUNDERSON, KRAWCZYK, MOLEPSKE, MUSSER, OTT, PETROWSKI and STRACHOTA, cosponsored by Senators DARLING, A. LASEE and ROESSLER. Referred to Committee on Urban and Local Affairs.

- 1 **AN ACT to amend** 61.65 (8) and 62.13 (8) of the statutes; **relating to:** expanding
2 reimbursements to cities and villages for fire calls on certain highways.

Analysis by the Legislative Reference Bureau

Under current law, if a town incurs costs for a fire call on a state trunk highway or any highway that is a part of the national system of interstate highways and maintained by the Department of Transportation (DOT), DOT is required to reimburse the town up to \$500 for the costs, even if the fire equipment is not actually used, if the town submits written proof that the town has made a reasonable effort to collect the costs from the insurer of the person to whom the fire call was provided or from the person, except that the town may attempt to collect the cost from the person only if the town is unsuccessful in its efforts to collect from the person's insurer or if the person has no insurer. If the town collects the costs from an insurer or such a person after DOT has reimbursed the town, the town is required to return the amount collected to DOT.

Also under current law, if a village has a volunteer fire department and if a city has a combination paid and volunteer fire department, DOT is required to reimburse such a village or city up to \$500 for a fire call on a state trunk highway or any highway that is a part of the national system of interstate highways and maintained by DOT. The collection procedures regarding insurers that apply to towns also apply to villages and cities.

This bill requires DOT to reimburse a village or city for such fire calls without regard to whether the fire department is paid, volunteer, or a combination paid and volunteer department.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 61.65 (8) of the statutes is amended to read:

2 61.65 (8) Any village having a volunteer fire department shall be reimbursed
3 by the department of transportation not to exceed \$500 for any fire call on a state
4 trunk highway or any highway that is a part of the national system of interstate
5 highways maintained by the department of transportation if the village submits
6 written proof that the village has made a reasonable effort to collect the cost from the
7 insurer of the person to whom the fire call was provided or from the person to whom
8 the fire call was provided, except that the village may attempt to collect the cost from
9 the person only if the village is unsuccessful in its efforts to collect from the person's
10 insurer or if the person has no insurer. If the village collects the cost from an insurer
11 or such person after the department reimburses the village, the village shall return
12 the amount collected to the department.

13 **SECTION 2.** 62.13 (8) of the statutes is amended to read:

14 62.13 (8) FIRE DEPARTMENT. The council may provide by ordinance for either a
15 paid or a volunteer fire department and for the management and equipment of either
16 insofar as not otherwise provided for by law. ~~In the case where a combination of paid
17 and volunteer fire department is provided for, such~~ Any city shall be reimbursed by
18 the department of transportation, not to exceed \$500 for any fire calls on a state
19 trunk highway or on any highway that is a part of the national system of interstate
20 highways and is maintained by the department of transportation if the city submits
21 written proof that the city has made a reasonable effort to collect the cost from the

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1 insurer of the person to whom the fire call was provided or from the person to whom
2 the fire call was provided, except that the city may attempt to collect the cost from
3 the person only if the city is unsuccessful in its efforts to collect from the person's
4 insurer or if the person has no insurer. If the city collects the cost from an insurer
5 or such person after the department reimburses the city, the city shall return the
6 amount collected to the department.

7 **SECTION 3. Initial applicability.**

8 (1) This act first applies to fire calls that occur on the effective date of this
9 subsection.

10 (END)