

## 2003 ASSEMBLY BILL 471

August 14, 2003 – Introduced by Representatives LEMAHIEU, LADWIG, TOWNS, KESTELL, TOWNSEND, M. LEHMAN, GARD, F. LASEE, SERATTI, GROTHMAN, GUNDERSON, AINSWORTH, COGGS, HUNDERTMARK, MCCORMICK, FREESE, OTT and BIES, cosponsored by Senators REYNOLDS, BROWN, DARLING, BRESKE, LAZICH, ROESSLER, LEIBHAM and A. LASEE. Referred to Committee on Urban and Local Affairs.

1     **AN ACT to amend** 60.557, 61.65 (8) and 62.13 (8) of the statutes; **relating to:**  
2             procedures that towns and certain cities and villages must follow to be  
3             reimbursed for fire calls on highways.

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### *Analysis by the Legislative Reference Bureau*

Under current law, if a town incurs costs for a fire call on a county trunk highway, the county maintaining the highway is required to reimburse the town up to \$200 for the costs if the town submits written proof that the town has made a reasonable effort to collect the costs from the person to whom the fire call was provided. If the town collects the costs from such a person after the county has reimbursed the town, the town is required to return the amount collected to the county.

Also 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 person to whom the fire call was provided. If the town collects the costs from such a person after DOT has reimbursed the town, the town is required to return the amount collected to DOT.

Current law also requires DOT to reimburse any village with a volunteer fire department, or city with a combination paid-volunteer fire department, up to \$500 for any call on a state trunk highway or any highway that is part of the national system of interstate highways maintained by DOT.

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Under this bill, a town is required to first attempt to collect the costs for responding to a vehicle fire on a county trunk highway, and a city or village with a volunteer fire department, or a town, is required to first attempt to collect such costs for responding to a vehicle fire on a state trunk highway or any highway that is a part of the national system of interstate highways and maintained by DOT, from the insurer of the person to whom the fire call was provided. The bill specifies that the city, village, or town may attempt to collect the cost from the person only if the city, village, or town is unsuccessful in its efforts to collect from the person's insurer or if the person has no insurer.

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

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

1           **SECTION 1.** 60.557 of the statutes is amended to read:

2           **60.557 Reimbursement for fire calls on highways. (1)** If a town incurs  
3 costs for a fire call by responding to a vehicle fire on a county trunk highway, the  
4 county maintaining that portion of the highway where the vehicle was located at the  
5 time of the fire shall reimburse the town up to \$200 for the costs if the town submits  
6 written proof that the town 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 town may attempt to collect the cost from  
9 the person only if the town is unsuccessful in its efforts to collect from the person's  
10 insurer or if the person has no insurer. If the town collects the cost from an insurer  
11 or such person after the county reimburses the town, the town shall return the  
12 amount collected to the county.

13           **(2)** If a town incurs costs for a fire call on a state trunk highway or any highway  
14 that is a part of the national system of interstate highways and maintained by the  
15 department of transportation, the department of transportation shall reimburse the  
16 town up to \$500 for the costs, even if the fire equipment is not actually used, if the

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

8 **SECTION 2.** 61.65 (8) of the statutes is amended to read:

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

20 **SECTION 3.** 62.13 (8) of the statutes is amended to read:

21 62.13 (8) FIRE DEPARTMENT. The council may provide by ordinance for either a  
22 paid or a volunteer fire department and for the management and equipment of either  
23 insofar as not otherwise provided for by law. In the case where a combination of paid  
24 and volunteer fire department is provided for, such city shall be reimbursed by the  
25 department of transportation, not to exceed \$500 for any fire calls on a state trunk

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1 highway or on any highway that is a part of the national system of interstate  
2 highways and is maintained by the department of transportation if the city submits  
3 written proof that the city has made a reasonable effort to collect the cost from the  
4 insurer of the person to whom the fire call was provided or from the person to whom  
5 the fire call was provided, except that the city may attempt to collect the cost from  
6 the person only if the city is unsuccessful in its efforts to collect from the person's  
7 insurer or if the person has no insurer. If the city collects the cost from an insurer  
8 or such person after the department reimburses the city, the city shall return the  
9 amount collected to the department.

10 **SECTION 4. Initial applicability.**

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

13 (END)