

2003 DRAFTING REQUEST

Bill

Received: **01/16/2003**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Daniel LeMahieu (608) 266-9175**

By/Representing: **Jeff**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies: **PJK**

Submit via email: **YES**

Requester's email: **Rep.LeMahieu@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Town reimbursement for fire calls on highways

Instructions:

See Attached. Require towns to try to collect from the person's insurer first.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							S&L
/1	mshovers 01/16/2003	chanaman 01/31/2003	rschluet 02/02/2003		mbarman 02/03/2003		S&L
/2	mshovers 05/06/2003	jdye 05/14/2003	pgreensl 05/14/2003		lemery 05/14/2003	amentkow 07/18/2003	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

jdye
05/14/2003

FE Sent For:

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in m.

<END>

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/1	mshovers 01/16/2003	chanaman 01/31/2003	rschluet 02/02/2003	5/14	mbarman 02/03/2003		

12 MES 5/6/03 5/14 ps/cph
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Instructions:

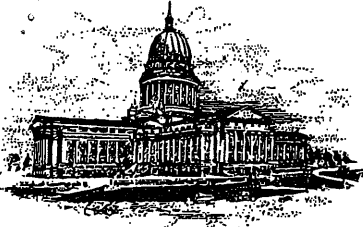
See Attached. Require towns to try to collect from the person's insurer first.

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1/?	mshovers	<i>cmh 1/13/03</i>	<i>[Signature]</i>	<i>[Signature]</i>			
11 MES		1/16/03					

FE Sent For:

<END>



Wisconsin State Assembly

P.O. BOX 8952 • MADISON, WI 53708

Faxed From the Office of State Representative Dan LeMahieu

Fax To: Pam Kahler Fax # 264-6948

Date: 1/13/03

Number of Pages: 5

Faxed from: Representative Dan LeMahieu Jeff Grothman

Subject: Article regarding proposed legislation

60.557 (1)
(2)

61.65 (4)

Jeff
267-0444

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Fire department angers victims by trying to recoup costs of rescue

Shop the lighting

Deadly I-43 pileup nearly wipes out tiny Cedar Grove's budget

By DON BEHM dbehm@journalsentinel.com

Last Updated: Dec. 20, 2002

For James Matt, the letter addressed to his 24-year-old daughter was another reminder of the heartache caused by her death in the 50-car pileup that was the deadliest highway tragedy in state history.

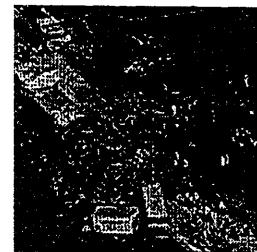
But when he opened it, two months to the day after she was killed, he was shocked and outraged by what he felt was its tactlessness.

There in the envelope addressed to the deceased Rachel Matt was a bill for \$500.

That's how much the Cedar Grove Fire Department wanted for its services on Oct. 11, when it responded to a chain of crashes on foggy I-43.

And the tiny volunteer department that blew most of its annual budget on that one day of action didn't want it just from Rachel Matt. Cedar Grove Fire Chief Greg Navis mailed the same bill to 47 other people involved in the crash - including the other eight drivers killed. Two of the 10 victims were in one car on the fog-shrouded freeway that morning in Sheboygan County, and two other drivers were never located.

I-43 Pileup



Photo/File

The scene of the pileup on I-43.

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Oct. 11: 10 die in horrific pileup (10/11/02)

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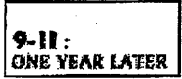
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Navis was within his rights to send the bills - though some fire departments never do it. And he said there was a notation recommending that it be forwarded to each driver's insurance company.

But that wasn't enough for Matt, who wondered why there was no letter explaining the reason behind the bill.

"An explanation would have been helpful," he said. "I'm going to send it back and write 'deceased' on the envelope."

"We've had some irate callers, and I'd respond the same way in their situation," Navis said. "Once we explain what's going on, they seem to settle down."

His explanation includes the cost.

"Our budget is only a little over \$60,000 a year, and this one call grabbed almost \$40,000 of that," Navis said.

"It's a tough call to make," he added.

"We're not in the business of sending bills. We're in the business of fighting fires and protecting people."

Also, state law authorizes fire departments to recover costs of responding to fires on state highways.

Oostburg and most of the other rural communities along the I-43 corridor do just that, Navis said. The North Shore Fire Department in Milwaukee County has routinely billed accident victims "for many years," Deputy Chief Charlie Myers said.

Belgium and Grafton are among the exceptions.

"We just wouldn't do that," Grafton Fire Chief Larry Williams said.

"We never have, and I don't think we ever will," Belgium Fire Chief Dan Birenbaum said.

"But we've never run into a big call like Cedar Grove did, either."

The state has a \$100,000 fund set up for such cases.

But the law first requires a municipality to seek reimbursement from a vehicle owner or the person's insurance carrier, said Richard Moss, manager of the program for the state Department of Transportation.

Only if that claim is unsuccessful can the municipality ask the state for help.

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Bill a surprise

Chad Kruse, one of the other drivers in the Oct. 11 crashes, said he never expected to receive a bill from a fire department because his GMC truck never caught fire.

"And I didn't need help getting out of the truck," said Kruse, of Kewaunee. "I didn't need any of their services."

Several other drivers said they were not aided by the fire department.

"I wasn't in the portion of the accident where the fire was, I required no emergency services, I didn't contribute to the portion of the accident that required their services," said Thomas Gaffney of Sheboygan.

Gaffney and Kruse sent the bill to their insurance companies.

Mary Balde said she and her husband, Kurt, of the Town of Holland, were upset when the bill arrived because her husband was not injured and didn't require any assistance from rescue workers.

"My husband was very upset and refused to pay it," and called at least two local officials to complain about the bill, she said.

Mary Flaherty of Sheboygan Falls was involved in the accident but wasn't hurt, and her car was drivable.

She also received a bill for \$500 "for services rendered."

"I want to know what services they rendered," she said. "The only person I talked to was a sheriff's deputy. Mine was one of the first cars allowed to leave the scene."

Navis acknowledged that his fire department did not help every vehicle at the scene.

"There are cars that we didn't render service to," he said. "Those people should send us a letter explaining that, and we'll review it. We're asking anyone who disputes it to write us a letter."

Rosalie Thielman, whose husband, David, was injured in the accident, said the bill they received will be covered by his company's insurance.

"Tell the people in Cedar Grove that insurance is taking care of it. They shouldn't have to feel bad about doing this," Rosalie Thielman said.

The Cedar Grove department receives 65% of its annual budget from Town of Holland taxpayers. Town Chairman Larry Heinen said the

town's policy is to recover costs when the department responds to crashes on I-43.

"The fire department followed the state statute," Heinen said.

Town Supervisor Harris Draayers defended the department's mailing. "We get a lot of calls out on the interstate, but a large majority of people driving through don't support our fire department through their taxes," he said.

Journal Sentinel reporters Dan Benson and Lawrence Sussman contributed to this report.

A version of this story appeared in the Milwaukee Journal Sentinel on Dec. 21, 2002.

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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1549/7

MES/.....

(RMR)
omh

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

(gen)

1 AN ACT ...; relating to: procedures that towns must follow to be reimbursed for
2 fire calls on highways.

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.

5
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.

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, 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 town may attempt to collect the cost from the person only if the town

plain
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.

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
17 town submits written proof that the town has made a reasonable effort to collect the
18 cost from the insurer of the person to whom the fire call was provided or from the
19 person to whom the fire call was provided, except that the town may attempt to
20 collect the cost from the person only if the town is unsuccessful in its efforts to collect

1 from the person's insurer or if the person has no insurer. If the town collects the cost
2 from an insurer or such person after the department reimburses the town, the town
3 shall return the amount collected to the department.

History: 1983 a. 532, 538; 1993 a. 16; 1999 a. 131.

4 **SECTION 2. Initial applicability.**

5 (1) This act first applies to fire calls that occur on the effective date of this
6 subsection.
7

(END)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1549/2
MES:cmh:rs
+ jld
RMK

2003 BILL

repeal

1 AN ACT to amend 60.557 of the statutes; relating to: procedures that towns
2 and certain cities and villages must follow to be reimbursed for fire calls on highways.

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.

INS
ANL

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, 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 town may attempt to collect the cost from the person only if the town

city, village, or

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

BILL

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.

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
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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
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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
17 town submits written proof that the town has made a reasonable effort to collect the
18 cost from the insurer of the person to whom the fire call was provided or from the
19 person to whom the fire call was provided, except that the town may attempt to
20 collect the cost from the person only if the town is unsuccessful in its efforts to collect

BILL

1 from the person's insurer or if the person has no insurer. If the town collects the cost
2 from an insurer or such person after the department reimburses the town, the town
3 shall return the amount collected to the department. ✓

INS
3-3

4 **SECTION 2. Initial applicability.**

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

7 (END)

**2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1549/2ins
MES:cmh:rs

INS ANL

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.

INS 3-5

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

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

History: 1975 c. 94 s. 91 (5); 1975 c. 199; 1977 c. 29 s. 1654 (8) (d); 1977 c. 182; 1979 c. 256; 1981 c. 96 s. 67; 1981 c. 171; 1985 a. 166; 1987 a. 27, 399; 1993 a. 16, 77, 213.

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

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



highways and is maintained by the department of transportation if the city submits written proof that the city has made a reasonable effort to collect the cost from the insurer of the person to whom the fire call was provided or from the person to whom the fire call was provided, except that the city may attempt to collect the cost from the person only if the city is unsuccessful in its efforts to collect from the person's insurer or if the person has no insurer. If the city collects the cost from an insurer or such person after the department reimburses the city, the city shall return the amount collected to the department.

History: 1971 c. 41 s. 12; 1971 c. 213 s. 5; 1975 c. 94 ss. 26, 91 (5); 1975 c. 199; 1977 c. 20; 1977 c. 29 s. 1654 (8) (c); 1977 c. 151, 182, 196; 1981 c. 171, 380; 1981 c. 390 s. 252; 1981 c. 391 s. 211; 1985 a. 135 s. 83 (3), (5); 1985 a. 166; 1987 a. 27; 1989 a. 31, 192; 1991 a. 32, 101, 189; 1993 a. 16, 53, 144, 213; 1995 a. 225, 270; 1999 a. 182.

(end ins 3-5)

Mentkowski, Annie

From: Grothman, Jeffrey
Sent: Friday, July 18, 2003 11:09 AM
To: LRB.Legal
Subject: Draft review: LRB 03-1549/2 Topic: Town reimbursement for fire calls on highways

It has been requested by <Grothman, Jeffrey> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-1549/2 Topic: Town reimbursement for fire calls on highways