



**Sub. H.B. 255\***

125th General Assembly

(As Reported by S. State and Local Government and Veterans Affairs)

**Reps. Setzer, Seitz, C. Evans, Kearns, Price, McGregor, Chandler, Domenick, Collier, Flowers, Wolpert, Distel, D. Evans, Hagan, Hartnett, Oelslager, Otterman, S. Patton, Perry, J. Stewart, Taylor**

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**BILL SUMMARY**

- Increases the charge for responding to false alarms from certain security alarm systems in townships.
- Earmarks the moneys a township collects for responding to the false alarms, for use for police services.
- Authorizes townships to charge for fire and rescue services.
- Requires insurance and health insuring corporation policies, contracts, or agreements with coverage for 9-1-1 emergency services to provide for direct payments to certain or all providers of those services.
- Extends the fireworks manufacturer and wholesaler license issuance moratoria to December 15, 2008.

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**CONTENT AND OPERATION**

**Township responses to security alarms**

**Existing law**

Current law generally authorizes a board of township trustees to order the township clerk to charge a \$25 fee to defray costs incurred for each false alarm from a commercial or residential security alarm system in the township which

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\* This analysis was prepared before the report of the Senate State and Local Government and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

occurs during a calendar year after the township police, a law enforcement agency with which the township contracts for police services, and the sheriff or the sheriff's deputy have answered a combined total of three false alarms resulting from the *malfunction* of that alarm system in that calendar year. A county sheriff also has authority to charge a \$25 fee to defray costs incurred for answers to false alarms in the county's unincorporated territory under these same circumstances, provided a township clerk has not already imposed such a fee for the same false alarm.<sup>1</sup> A township clerk or sheriff mails a bill to the manager of the commercial establishment or the occupant, lessee, agent, or tenant of the residence charging the fee for the subsequent false alarm. If the bill is not paid within 30 days, the township clerk or sheriff must mail a notice by certified mail to the parties previously billed and, if different, the property owner ordering them to show just cause why the bill should not be paid. If just cause is not shown or the bill is not paid within 30 days after the notice is sent, the \$25 charge becomes a lien on the property and must be entered on the tax duplicate for collection as other taxes. If the sheriff sent the bill, the collected charge goes into the county treasury, and if the township clerk sent the bill, the collected charge goes into the township *general fund*. (Sec. 505.511(A) and (B).)

### **Changes made by the bill**

The bill eliminates the requirement that the false alarm be the result of a malfunction of a security system. It also increases the charge for responding to more than three false alarms from the same commercial or residential security alarm system during a calendar year from \$25 to (1) \$50 for the fourth false alarm that year, (2) \$100 for the fifth false alarm that year, and (3) \$150 for all false alarms occurring after the fifth false alarm that year. The bill earmarks the money a township receives pursuant to the lien procedure for deposit into the township treasury for *use for police services*, instead of for deposit into the township general fund as under existing law.<sup>2</sup> (Sec. 505.511(A) and (B).) As under existing law, collected charges on the county level must be deposited into the county treasury (sec. 505.511(B)).

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<sup>1</sup> Similarly, if a county sheriff has imposed a fee already for the same false alarm, a township clerk may not do so.

<sup>2</sup> Presumably, under existing law as well as the bill's provisions, fees that are collected from those billed by township clerks or sheriffs for false alarms without the necessity of the imposition of a lien will be deposited and used in the same manner as fees collected through the lien procedure.

## **Township charges for ambulance or emergency medical services**

### **Existing law**

Under existing law, a township may establish reasonable charges for the use of ambulance or emergency medical services. A township may charge different rates for residents and nonresidents or may waive all or part of the charges for residents. The charge for nonresidents generally must be no less than the authorized Medicare reimbursement rate. (Sec. 505.84.)

### **Changes made by the bill**

The bill adds authority for a township to charge for fire and rescue services and specifies that the charge for *ambulance transportation* for nonresidents (as contrasted with existing law's charge for "ambulance or emergency medical services") must be no less than the authorized Medicare reimbursement rate. The bill also changes the name of the separate fund into which charges for the various types of services must be deposited to "the fire and rescue services, ambulance services, and emergency medical services fund" and specifies that the fund may be used only for the payment of management, maintenance, and operation costs for those services. (Sec. 505.84.)

### **Direct payment to provider for 9-1-1 emergency services**

The bill specifies that every individual or group policy of *sickness and accident insurance* with coverage for 9-1-1 emergency services must provide that reimbursement for those services will be paid directly to the provider of the services or to the provider's assigned billing agent. Similarly, the bill specifies that a *health insuring corporation* policy, contract, or agreement with 9-1-1 emergency services coverage must provide for payment directly to a *nonparticipating* provider of the services or to that provider's billing agent. (Secs. 1753.281(A) and 3923.651(A).)

The bill defines "9-1-1 emergency services" as including (1) transportation provided by an ambulance or other vehicle providing medical service that responds to a 9-1-1 call and transfers a person to a hospital emergency department and (2) all services performed by an emergency room physician that are not covered under the existing direct payment to hospitals law (secs. 1753.281(B) and 3923.651(B)).

### **Extension of Fireworks Law moratoria**

Under existing law, the State Fire Marshal generally is prohibited from issuing for a particular fireworks plant or location, and from approving a transfer of location for, a license for the manufacture or wholesale sale of fireworks unless



the plant or location was covered by an applicable license immediately prior to June 29, 2001. Each moratorium is for the period beginning on June 29, 2001, and ending on December 15, 2005. The bill extends the end date of the moratoria to December 15, 2008, and also removes a requirement in existing law for the Department of Commerce and the Division of State Fire Marshal (a) to devise by December 15, 2005, a proposal to provide for the issuance of manufacturer and wholesaler of fireworks licenses that is based upon demographics and designed to ensure the safety of the public and (b) to send a copy of that proposal to the President of the Senate and the Speaker of the House of Representatives. (Sec. 3743.75.)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	07-31-03	p. 1022
Reported, H. County & Township Gov't	01-07-04	p. 1389
Passed House (94-3)	01-21-04	pp. 1509-1510
Reported, S. State and Local Government and Veterans Affairs	---	---

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