

Regular Session, 2009

HOUSE CONCURRENT RESOLUTION NO. 147

BY REPRESENTATIVE SIMON

LOCAL GOVERNMENT: Directs local governing authorities and emergency service providers to cease the practice of imposing accident response fees

1 A CONCURRENT RESOLUTION

2 To direct all local governing authorities and public emergency service providers to cease
3 assessing accident response fees or any similar assessment against persons utilizing
4 emergency services and to express intent of the legislature that such fees and
5 assessments are contrary to state law.

6 WHEREAS, though the free market economy has for centuries proven to be a very
7 productive and efficient system for delivering many of the goods and services that citizens
8 of a country need or want, nonetheless, there are many services that are essential to a
9 civilized society that the free market will not produce or will not produce for all citizens; and

10 WHEREAS, fire, police, and emergency medical transportation services are
11 examples of services for which governments assume responsibility because, despite their
12 importance, such services would be cost prohibitive for nearly everyone if those few who
13 need the services had to bear the full cost of making them available; and

14 WHEREAS, recognizing the economic realities of emergency services, the
15 legislature has authorized local governments, which are generally responsible for providing
16 such services, to levy and collect appropriate taxes to finance their provision; and

17 WHEREAS, it is not the intention of the legislature that, in addition to the authorized
18 revenue streams, the local government entities or emergency service providers charge
19 additional fees to those who require the services; the point is that these services are public
20 goods that should be made available to the public at large whenever they are needed; they
21 are not private goods available based on ability to pay; and

1 WHEREAS, thus the practice of accident response fees and similar fee-for-service
2 assessments that are being implemented in some jurisdictions around the country is not
3 appropriate in Louisiana; and

4 WHEREAS, in cases of gross irresponsibility on the part of an individual who
5 requires emergency responder assistance that could have been avoided, perhaps a penalty
6 assessment for the response is understandable, but any general scheme of shifting the cost
7 of emergency services to those who use the services undermines the entire scheme
8 established in state law for funding these critical areas of government responsibility.

9 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
10 direct all local governing authorities and public emergency service providers to cease
11 assessing accident response fees or any similar assessment against persons utilizing
12 emergency services.

13 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby express
14 its intent that any such fee or assessment is contrary to state law and does hereby direct the
15 Louisiana Municipal Association, the Police Jury Association of Louisiana, the Louisiana
16 Sheriffs' Association, the Louisiana Association of Chiefs of Police, the Louisiana
17 Ambulance Alliance, and the Louisiana Fire Chiefs' Association to inform their respective
18 members that the legislature believes that this practice is prohibited.

19 BE IT FURTHER RESOLVED that this Resolution is not intended to preclude the
20 following:

21 (1) Charging a user of emergency services for medical care, including medical
22 transportation, that would ordinarily be the patients responsibility.

23 (2) Charging a user of emergency services for such services if his actions created an
24 unusual and extraordinary expense on the part of the responder.

25 BE IT FURTHER RESOLVED that the Legislature of Louisiana requests that the
26 legislative auditor report to the legislature on any governing authority or public emergency
27 service provider that he finds is imposing any such fee or assessment.

28 BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to the
29 executive director of the Louisiana Sheriffs' Association, the executive director of the
30 Louisiana Municipal Association, the executive director of the Police Jury Association of

- 1 Louisiana, the executive director of the Louisiana Association of Chiefs of Police, the chief
 - 2 executive officer of the Louisiana Ambulance Alliance, and the secretary of the Louisiana
 - 3 Fire Chiefs' Association.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Simon

HCR No. 147

Directs all local governing authorities and public emergency service providers to cease assessing accident response fees or any similar assessment against persons utilizing emergency services and expresses intent of the legislature that such charges and assessments are contrary to state law. Provides that the Resolution does not preclude charging for medical care, including medical transportation, that would ordinarily be the patients responsibility nor charging for emergency services if the user's actions created an unusual and extraordinary expense on the part of the responder.

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed resolution.

1. Adds provisions specifying allowable charges under the Resolution.