

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Hazardous Material Emergency Response
5 Reimbursement Act is amended by changing Sections 3 and 5 as
6 follows:

7 (430 ILCS 55/3) (from Ch. 127 1/2, par. 1003)

8 Sec. 3. Definitions. As used in this Act:

9 (a) "Emergency action" means any action taken at or near
10 the scene of a hazardous materials emergency incident to
11 prevent or minimize harm to human health, to property, or to
12 the environments from the unintentional release of a hazardous
13 material.

14 (b) "Emergency response agency" means a unit of local
15 government, volunteer fire protection organization, or the
16 American Red Cross that provides:

- 17 (1) firefighting services;
- 18 (2) emergency rescue services;
- 19 (3) emergency medical services;
- 20 (4) hazardous materials response teams;
- 21 (5) civil defense;
- 22 (6) technical rescue teams; or
- 23 (7) mass care or assistance to displaced persons.

1 (c) "Responsible party" means a person who:

2 (1) owns or has custody of hazardous material that is
3 involved in an incident requiring emergency action by an
4 emergency response agency; or

5 (2) owns or has custody of bulk or non-bulk packaging
6 or a transport vehicle that contains hazardous material
7 that is involved in an incident requiring emergency action
8 by an emergency response agency; and

9 (3) who causes or substantially contributed to the
10 cause of the incident.

11 (d) "Person" means an individual, a corporation, a
12 partnership, an unincorporated association, or any unit of
13 federal, State or local government.

14 (e) "Annual budget" means the cost to operate an emergency
15 response agency excluding personnel costs, which include
16 salary, benefits and training expenses; and costs to acquire
17 capital equipment including buildings, vehicles and other such
18 major capital cost items.

19 (f) "Hazardous material" means a substance or material in a
20 quantity and form determined by the United States Department of
21 Transportation to be capable of posing an unreasonable risk to
22 health and safety or property when transported in commerce.

23 ~~(g) "Panel" means administrative panel.~~

24 (Source: P.A. 93-159, eff. 1-1-04; 94-96, eff. 1-1-06.)

25 (430 ILCS 55/5) (from Ch. 127 1/2, par. 1005)

1 Sec. 5. Reimbursement to agencies.

2 (a) It shall be the duty of the responsible party to
3 reimburse, within 60 days after the receipt of a bill for the
4 hazardous material emergency incident, the emergency response
5 agencies responding to a hazardous material emergency
6 incident, and any private contractor responding to the incident
7 at the request of an emergency response agency, for the costs
8 incurred in the course of providing emergency action.

9 (b) In the event that the emergency response agencies are
10 not reimbursed by a responsible party as required under
11 subsection (a), monies in the Fund shall be used to reimburse
12 the emergency response agencies providing emergency action at
13 or near the scene of a hazardous materials emergency incident
14 subject to the following limitations:

15 (1) Cost recovery from the Fund is limited to
16 replacement of expended materials including, but not
17 limited to, specialized firefighting foam, damaged hose or
18 other reasonable and necessary supplies.

19 (2) The applicable cost of supplies must exceed 2% of
20 the emergency response agency's annual budget.

21 (3) A minimum of \$500 must have been expended.

22 (4) A maximum of \$10,000 may be requested per incident.

23 (5) The response was made to an incident involving
24 hazardous materials facilities such as rolling stock which
25 are not in a terminal and which are not included on the
26 property tax roles for the jurisdiction where the incident

1 occurred.

2 (c) Application for reimbursement from the Fund shall be
3 made to the State Fire Marshal or his designee. The State Fire
4 Marshal shall, through rulemaking, promulgate a standard form
5 for such application. The State Fire Marshal shall adopt rules
6 for the administration of this Act.

7 (d) Claims against the Fund shall be reviewed by the
8 Illinois Fire Advisory Commission at its normally scheduled
9 meetings, as the claims are received. The Commission shall be
10 responsible for:

11 (1) reviewing claims made against the Fund and
12 determining reasonable and necessary expenses to be
13 reimbursed for an emergency response agency;

14 (2) affirming that the emergency response agency has
15 made a reasonable effort to recover expended costs from
16 involved parties; and

17 (3) advising the State Fire Marshal as to those claims
18 against the fund which merit reimbursement.

19 (e) The State Fire Marshal shall either accept or reject
20 the Commission's recommendations as to a claim's eligibility.
21 Any person aggrieved by the State Fire Marshal's eligibility
22 decision may, within 10 days after receiving notice of the
23 decision, appeal the decision to the State Fire Marshal.

24 (Source: P.A. 93-989, eff. 1-1-05.)

25 (430 ILCS 55/7 rep.)

1 Section 10. The Hazardous Material Emergency Response
2 Reimbursement Act is amended by repealing Section 7.