

HOUSE BILL NO. 253

INTRODUCED BY G. HENDRICK

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A PERSON WHOSE INTOXICATION OR DRUG USE CAUSES AN EMERGENCY INCIDENT TO PAY FOR THE REASONABLE COSTS OF THE EMERGENCY RESPONSE IF THE PERSON IS CONVICTED OF CERTAIN CRIMINAL OFFENSES AS A RESULT OF THE INCIDENT; CLARIFYING WHAT CHARGES CONSTITUTE REASONABLE COSTS; AND LIMITING RECOVERY OF COSTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Emergency response caused by person's intoxication -- recovery of

costs from convicted person. (1) A person whose intoxication or drug use causes an incident resulting in an appropriate emergency response by a public agency is liable for the reasonable costs of the emergency response to the incident if the person, in connection with the incident, is found guilty of or has prosecution deferred for:

- (a) driving under the influence of alcohol or drugs, as provided in 61-8-401;
- (b) being in actual physical control of a noncommercial motor vehicle with an alcohol concentration of 0.08 or more or of a commercial vehicle by a person with an alcohol concentration of 0.04 or more, as provided in 61-8-406;
- (c) operation of a vehicle by a person under 21 years of age with an alcohol concentration of 0.02 or more, as provided in 61-8-410;
- (d) vehicular homicide while under the influence, as provided in 45-5-106; or
- (e) negligent vehicular assault while under the influence, as provided in 45-5-205.

(2) The expense of an emergency response is a charge against the person liable for expenses under this section. The charge constitutes a debt of that person and is collectible by the public agency incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

(3) A person's liability under this section for the expense of an emergency response may not exceed \$1,000 per incident. If more than one public agency makes a claim for payment from an individual for an emergency response to a single incident under the provisions of this section and the sum of the claims exceeds the amount recovered, the division of the amount recovered must be determined by an interlocal agreement



1 consistent with the requirements of Title 7, chapter 11, part 1.

2 (4) For purposes of this section, reasonable costs include the costs of providing police, coroner,
3 firefighting, rescue, emergency medical services, or utility response at the scene of the incident and the salaries
4 of the personnel responding to the incident.

5
6 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
7 integral part of Title 10, chapter 3, and the provisions of Title 10, chapter 3, apply to [section 1].

8 - END -