

Senator Gene Davis proposes the following substitute bill:

FIRE LIABILITY MODIFICATIONS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Margaret Dayton

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to liability for a fire.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ establishes evidence standards and penalties for an abandoned fire.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-6-101, as last amended by Laws of Utah 1995, Chapter 291

76-6-104.5, as enacted by Laws of Utah 1998, Chapter 71

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-6-101** is amended to read:

76-6-101. Definitions.



26 For purposes of this chapter:

27 (1) "Property" means any form of real property or tangible personal property which is
28 capable of being damaged or destroyed and includes a habitable structure.

29 (2) "Habitable structure" means any building, vehicle, trailer, railway car, aircraft, or
30 watercraft used for lodging or assembling persons or conducting business whether a person is
31 actually present or not.

32 (3) "Property" is that of another, if anyone other than the actor has a possessory or
33 proprietary interest in any portion thereof.

34 (4) "Value" means:

35 (a) The market value of the property, if totally destroyed, at the time and place of the
36 offense, or where cost of replacement exceeds the market value; or

37 (b) Where the market value cannot be ascertained, the cost of repairing or replacing the
38 property within a reasonable time following the offense.

39 (5) If the property damaged has a value that cannot be ascertained by the criteria set
40 forth in Subsections (4)(a) and (b) [~~above~~], the property shall be [~~deemed~~] considered to have a
41 value less than \$300.

42 (6) "Fire" means a flame, heat source capable of combustion, or material capable of
43 combustion that is caused, set, or maintained by a person for any purpose.

44 Section 2. Section **76-6-104.5** is amended to read:

45 **76-6-104.5. Abandoned fire -- Penalties.**

46 (1) A person is guilty of abandoning a fire if, under circumstances not amounting to the
47 offense of arson, aggravated arson, or causing a catastrophe under Title 76, Chapter 6, Part 1,
48 [~~Offenses Against Property, he~~] Property Destruction, the person leaves a fire:

49 (a) without first completely extinguishing it; and

50 (b) with the intent to not return to the fire.

51 (2) A person does not commit a violation of Subsection (1) [~~or (2)~~] if [~~he~~] the person
52 leaves a fire to report an uncontrolled fire.

53 (3) A violation of Subsection (1):

54 (a) is a class C misdemeanor if [~~the~~] there is no property damage [~~is or exceeds \$150~~
55 ~~but is less than \$300 in value~~];

56 (b) is a class B misdemeanor if property damage is [~~or exceeds \$300 but is~~] less than

57 \$1,000 in value; and

58 (c) is a class A misdemeanor if property damage is or exceeds \$1,000 in value.

59 (4) If a violation of Subsection [~~(3)~~] (1) involves a wildland fire, the violator is also
60 liable for suppression costs under Section 65A-3-4.

61 (5) A fire spreading or reigniting is prima facie evidence that the person did not
62 completely extinguish the fire as required by Subsection (1)(a).

S.B. 80 1st Sub. (Green) - Fire Liability Modifications

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
