

HB0048S03 compared with HB0048

~~{Omitted text}~~ shows text that was in HB0048 but was omitted in HB0048S03

inserted text shows text that was not in HB0048 but was inserted into HB0048S03

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1

Wildland Urban Interface Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: Michael K. McKell

2

3 LONG TITLE

4 General Description:

5 This bill addresses efforts to oversee wildfire risks associated with wildland urban interface
6 property.

7 Highlighted Provisions:

8 This bill:

- 12 ▶ defines terms;
- 13 ▶ requires counties to take certain actions related to wildland urban interface property, including
14 assessing a fee;
- 15 ▶ directs the fee to be retained by a county ~~{or}~~ and deposited into the Wildland-urban Interface
16 Prevention, Preparedness, and Mitigation Fund;
- 17 ▶ addresses insuring wildland urban interface property;
- 18 ▶ imposes notice requirements related to insuring wildland urban interface property;
- 19 ▶ requires counties and municipalities to adopt the wildland urban interface building code
20 standards;
- 21 ▶

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permits the Division of Forestry, Fire, and State Lands (division) to choose not to cover costs of local governments under certain circumstances;

- 23 ▶ directs the division to establish a program for wildland urban interface coordinators to evaluate, using a triage scale, high risk wildland urban interface property;
- 25 ▶ addresses actions related to evaluating the high risk wildland urban interface property;
- 26 ▶ provides for a database to be accessed by certain insurers related to evaluating high risk wildland urban interface property;
- 28 ▶ authorizes rulemaking;
- 29 ▶ addresses liability; and
- 30 ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill provides a special effective date.

33 **AMENDS:**

34 **15A-5-203** , as last amended by Laws of Utah 2024, Chapters 21, 381 , as last amended by Laws of Utah 2024, Chapters 21, 381

35 **63G-7-201** , as last amended by Laws of Utah 2023, Chapters 34, 105, 259, 329, 452, and 456 , as last amended by Laws of Utah 2023, Chapters 34, 105, 259, 329, 452, and 456

37 **65A-8-203** , as last amended by Laws of Utah 2024, Chapter 77 , as last amended by Laws of Utah 2024, Chapter 77

38 **65A-8-215** , as last amended by Laws of Utah 2024, Chapter 77 , as last amended by Laws of Utah 2024, Chapter 77

39 **ENACTS:**

40 **17-16-22** , Utah Code Annotated 1953 , Utah Code Annotated 1953

41 **31A-22-1310** , Utah Code Annotated 1953 , Utah Code Annotated 1953

42 **65A-8-401** , Utah Code Annotated 1953 , Utah Code Annotated 1953

43 **65A-8-402** , Utah Code Annotated 1953 , Utah Code Annotated 1953

44 **65A-8-403** , Utah Code Annotated 1953 , Utah Code Annotated 1953

45

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

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47 Section 1. Section **15A-5-203** is amended to read:

48 **15A-5-203. Amendments and additions to IFC related to fire safety, building, and site requirements.**

53 (1) For IFC, Chapter 5, Fire Service Features:

54 (a) In IFC, Chapter 5, a new Section 501.5, Access grade and fire flow, is added as follows: "An authority having jurisdiction over a structure built in accordance with the requirements of the International Residential Code as adopted in the State Construction Code, may require an automatic fire sprinkler system for the structure only by ordinance and only if any of the following conditions exist:

59 (i) the structure:

60 (A) is located in an urban-wildland interface area as provided in the Utah Wildland Urban Interface Code adopted as a construction code under the State Construction Code; and

63 (B) does not meet the requirements described in Utah Code, Subsection 65A-8-203(4)[~~(a)~~] (f) and Utah Administrative Code, R652-122-1300, Minimum Standards for County Wildland Fire Ordinance;

66 (ii) the structure is in an area where a public water distribution system with fire hydrants does not exist as required in Utah Administrative Code, R309-550-5, Water Main Design;

69 (iii) the only fire apparatus access road has a grade greater than 10% for more than 500 continual feet;

71 (iv) the total floor area of all floor levels within the exterior walls of the dwelling unit exceeds 10,000 square feet; or

73 (v) the total floor area of all floor levels within the exterior walls of the dwelling unit is double the average of the total floor area of all floor levels of unsprinkled homes in the subdivision that are no larger than 10,000 square feet.

76 (vi) Exception: A single family dwelling does not require a fire sprinkler system if the dwelling:

78 (A) is located outside the wildland urban interface;

79 (B) is built in a one-lot subdivision; and

80 (C) has 50 feet of defensible space on all sides that limits the propensity of fire spreading from the dwelling to another property."

82 (b) In IFC, Chapter 5, Section 506.1, Where Required, is deleted and rewritten as follows: "Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official, after consultation with the building owner, may require a key box to be installed in an approved location.

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The key box shall contain keys to gain necessary access as required by the fire code official. For each fire jurisdiction that has at least one building with a required key box, the fire jurisdiction shall adopt an ordinance, resolution, or other operating rule or policy that creates a process to ensure that each key to each key box is properly accounted for and secure."

- 92 (c) In IFC, Chapter 5, a new Section 507.1.1, Isolated one- and two-family dwellings, is added
as follows: "Fire flow may be reduced for an isolated one- and two-family dwelling when the
authority having jurisdiction over the dwelling determines that the development of a full fire-flow
requirement is impractical."
- 96 (d) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as follows:
97 "507.1.2 Pre-existing subdivision lots.
98 The requirements for a pre-existing subdivision lot shall not exceed the requirements described
in Section 501.5."
- 100 (e) In IFC, Chapter 5, Section 507.5.1, here required, a new exception is added: "3. One interior and one
detached accessory dwelling unit on a single residential lot."
- 102 (f) IFC, Chapter 5, Section 510.1, Emergency responder communication coverage in new buildings, is
amended by adding: "When required by the fire code official, unless the new building is a public
school as that term is defined in Section 53G-9-205.1 or a private school, then the fire code official
shall require," at the beginning of the first paragraph.
- 107 (2) For IFC, Chapter 6, Building Services and Systems:
- 108 (a) IFC, Chapter 6, Section 604.6.1, Elevator key location, is deleted and rewritten as follows:
"Firefighter service keys shall be kept in a "Supra-Stor-a-key" elevator key box or similar box with
corresponding key system that is adjacent to the elevator for immediate use by the fire department.
The key box shall contain one key for each elevator, one key for lobby control, and any other keys
necessary for emergency service. The elevator key box shall be accessed using a 6049 numbered
key."
- 114 (b) IFC, Chapter 6, Section 606.1, General, is amended as follows: On line three, after the word "Code",
add the words "and NFPA 96".
- 116 (c) IFC, Chapter 6, Section 607.2, a new exception 5 is added as follows: "5. A Type 1 hood is not
required for a cooking appliance in a microenterprise home kitchen, as that term is defined in Utah
Code, Section 26B-7-401, for which the operator obtains a permit in accordance with Section
26B-7-416."

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- 120 (3) IFC, Chapter 7, Fire and Smoke Protection Features, Section 702.5, is deleted.
- 118 Section 2. Section 2 is enacted to read:
- 119 **17-16-22. Wildland urban interface evaluation and fees.**
- 123 (1) As used in this section:
- 124 (a) "County officer" means the same as that term is defined in Section 17-16-21.
- 125 (b) "High risk wildland urban interface property" means the same as that term is defined in Section
- 127 ~~{(c) {"Third classification" means the same as that term is defined in Section 65A-8-401.}}~~
- 128 ~~{(d) {"Triage scale" means the same as that term is defined in Section 65A-8-401.}}~~
- 129 ~~{(e)}~~ (c) "Wildland urban interface" means the same as that term is defined in Section 65A-8-401.
- 131 ~~{(f)}~~ (d) "Wildland urban interface coordinator" means the same as that term is defined in Section
- 133 65A-8-401.
- 135 (2) If evaluation of high risk wildland urban interface property is assigned to a county under Section
- 137 65A-8-402:
- 138 (a) the county shall enter into a cooperative agreement with the Division of Forestry, Fire, and State
- 139 Lands, in accordance with Subsection 65A-8-203(2)(a), which agreement shall address compliance
- 140 with this Subsection (2) for evaluation and classification of high risk wildland urban interface
- 141 property; and
- 142 (b) a county officer shall require that a wildland urban interface coordinator representing the county
- 143 annually evaluate high risk wildland urban interface property within the county in accordance with
- 144 Section 65A-8-402.
- 145 (3) ~~{A}~~ Beginning January 1, 2026, a county officer shall:
- 146 (a) annually assess a fee:
- 147 (i) against the property owner of high risk wildland urban interface property ~~{determined by a wildland~~
- 148 ~~urban interface coordinator to be in}~~ within the ~~{third classification under}~~ incorporated and
- 149 unincorporated portions of the ~~{triage scale adopted under Title 65A, Chapter 8, Part 4, Wildland~~
- 150 ~~Urban Interface Property}~~ county; and
- 151 (ii) in the amount set by the Division of Forestry, Fire, and State Lands under Section 65A-8-402; and
- 152 (b)
- 153 (i) after retaining a portion of the fee under Subsection (3)(b)(ii), transmit the fee assessed under
- 154 Subsection (3)(a) to the Division of ~~{Finance}~~ Forestry, Fire, and State Lands for deposit into

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the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund created in Section 65A-8-215;and

153 (ii) retain {a-} that portion of the fee assessed under Subsection (3)(a) necessary to pay costs incurred
by the county in implementing this section, which the county may include in the county's annual
accounting of wildfire prevention, preparedness, mitigation actions, and associated costs for
purposes of Subsection 65A-8-203(4)(c){~~or~~}.

157 {(iii) {~~do a combination of Subsections (3)(b)(i) and (ii).~~}}

158 (4) A county may hold a political subdivision lien on high risk wildland urban interface property for a
fee that is past due by following the procedures in Sections 17B-1-902 and 17B-1-902.1, as if the
county is a special district.

155 Section 3. Section 3 is enacted to read:

156 **31A-22-1310. Insuring wildland urban interface property.**

163 (1) As used in this section:

164 (a) "High risk wildland urban interface property" means the same as that term is defined in Section
65A-8-401.

166 (b) "Wildland urban interface" means the same as that term is defined in Section 65A-8-401.

168 (c) "Wildland urban interface property and casualty insurer" means an insurer that issues property or
casualty insurance for wildland urban interface property.

170 (2)

(a) For purposes of {~~rate setting and underwriting for~~} determining whether property is high risk
wildland urban interface property, a wildland urban interface property and casualty insurer may only
use the boundary provided in the wildfire risk assessment mapping tool maintained by the Division
of Forestry, Fire, and State Lands in accordance with Subsection 65A-8-203(8) to determine
whether the property is high risk wildland urban interface property.

176 (b) A wildland urban interface property and casualty insurer may use additional fire hazard data
{~~other than~~} , beyond the wildfire risk assessment mapping tool described in Subsection (2)(a) , in
connection with setting a rate for, or the underwriting of, {~~wildland urban interface property that~~
is determined by the Division of Forestry, Fire, and State Lands by rule made under Subsection
65A-8-203(8)(b) to not be } high risk wildland urban interface property {~~only~~} if the {~~fire hazard~~
data uses multiple metrics that are balanced and integrated and the independently verifiable
data includes standardized metrics for determination of overall wildfire hazard potential, burn

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~~probability, damage potential, rate of spread, suppression difficulty indices, probability of extreme fire behavior, and structure exposure scores. A-}~~ wildland urban interface property and casualty ~~{ insurer shall }~~ insurer's use ~~{ flexible data and tools that meet acceptable industry standards and that are highly compatible with wildfire }~~ of additional fire hazard data ~~{ for underwriting and rate setting practices }~~ is in ~~{ fire-prone areas. }~~ compliance with:

- 175 (i) the boundary determination made in Subsection (2)(a); and
- 176 (ii) this title and department rules made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 178 (c) If a property is determined not to be high risk wildland urban interface in accordance with Subsection (2)(a), this Subsection (2) does not apply to the use of fire hazard data in connection with rate setting or underwriting of the property.
- 181 (d) This Subsection (2) does not restrict the use of data or underwriting tools in determining risks that are unrelated to fire risk.
- 189 (3)
- (a) If an owner of property located within the wildland urban interface files a complaint with the department asserting that a wildland urban interface property and casualty insurer has violated, or is violating, this section, the department may investigate the wildland urban interface property and casualty insurer to determine whether a violation has occurred or is occurring.
- ~~{(a)}~~ (b) {The department shall conduct a third party actuarial review of a rate submitted by wildland urban interface property and casualty insurer} If after an investigation under this Subsection (3) the department finds that a third party actuarial review of a rate submitted by wildland urban interface property and casualty insurer ~~{related to wildland urban interface property.}~~ has violated or is violating this section, the department may:
- 191 (i) issue prohibitory, mandatory, and other orders as necessary to secure compliance with this section; and
- 192 ~~{(b)}~~ (ii) {A-} impose penalties against the wildland urban interface property and casualty insurer ~~{ shall reimburse the department for the reasonable costs of the third party actuarial review described }~~ in {Subsection (3)(a)} accordance with Section 31A-2-308.
- 195 ~~{(c)}~~ {Chapter 19a, Utah Rate Regulation Act, applies to a rate subject to a third party actuarial review under this Subsection (3).}

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- ~~{(d)}~~ (4) ~~{The commissioner may disapprove a rate in accordance }~~ In addition to complying with relevant requirements of Section ~~{31A-19a-206 that is submitted by }~~ 31A-21-303, if due to risks of wildfire a wildland urban interface property and casualty insurer{ } :
- 197 (a) cancels or nonrenews property and casualty insurance covering wildland urban interface property, the wildland urban interface property and casualty insurer shall include in the notice of cancellation or nonrenewal the facts on which the wildland urban interface property and casualty insurer's decision is based with reasonable precision; and
- 199 ~~{(4)}~~ (b) ~~{In addition to complying with relevant requirements of Section 31A-21-303, if a wildland urban interface property and casualty insurer cancels, nonrenews, or }~~ increases the premium by more than 20% of the previous term's premium for property and casualty insurance covering wildland urban interface property, ~~{the }~~ after receipt of a request for the information by the insured the wildland urban interface property and casualty insurer shall ~~{include in the notice of cancellation, nonrenewal, or premium increase }~~ provide the insured the facts on which the wildland urban interface property and casualty insurer's decision is based with reasonable precision.
- 208 (5) Subsections (1) through (4) apply on and after January 1, 2026.
- 206 ~~{(5)}~~ (6) This section does not:
- 207 (a) create a cause of action for an act or failure to act under this section against:
- 208 (i) the state;
- 209 (ii) the department;
- 210 (iii) the Division of Forestry, Fire, and State Lands;
- 211 (iv) an officer, consultant, or employee of the department or Division of Forestry, Fire, and State Lands; ~~{or }~~
- 213 (v) a wildland urban interface coordinator, as defined in Section 65A-8-401; ~~{and }~~ or
- 217 (vi) a county;
- 214 (b) waive governmental immunity in accordance with Subsection 63G-7-201(5){ }; ~~or~~
- 219 (c) create a cause of action against a wildland urban interface property and casualty insurer for use in accordance with Subsection (2)(a) of the boundary provided in the wildfire risk assessment mapping tool maintained by the Division of Forestry, Fire, and State Lands in accordance with Subsection 65A-8-203(8).
- 223 Section 4. Section **63G-7-201** is amended to read:
- 224 **63G-7-201. Immunity of governmental entities and employees from suit.**

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- 217 (1) Except as otherwise provided in this chapter, each governmental entity and each employee of
a governmental entity are immune from suit for any injury that results from the exercise of a
governmental function.
- 220 (2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a governmental entity,
its officers, and its employees are immune from suit:
- 222 (a) as provided in Section 78B-4-517; and
- 223 (b) for any injury or damage resulting from the implementation of or the failure to implement measures
to:
- 225 (i) control the causes of epidemic and communicable diseases and other conditions significantly
affecting the public health or necessary to protect the public health as set out in Title 26A, Chapter
1, Local Health Departments;
- 228 (ii) investigate and control suspected bioterrorism and disease as set out in Sections 26B-7-316 through
26B-7-324;
- 230 (iii) respond to a national, state, or local emergency, a public health emergency as defined in Section
26B-7-301, or a declaration by the President of the United States or other federal official requesting
public health related activities, including the use, provision, operation, and management of:
- 234 (A) an emergency shelter;
- 235 (B) housing;
- 236 (C) a staging place; or
- 237 (D) a medical facility; and
- 238 (iv) adopt methods or measures, in accordance with Section 26B-1-202, for health care providers,
public health entities, and health care insurers to coordinate among themselves to verify the identity
of the individuals they serve.
- 241 (3)
- (a) A governmental entity, its officers, and its employees are immune from suit, and immunity is not
waived, for any injury if the injury arises out of or in connection with, or results from:
- 244 (i) a latent dangerous or latent defective condition of:
- 245 (A) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, or viaduct; or
- 247 (B) another structure located on any of the items listed in this Subsection (3)(a)(i); or
- 249 (ii) a latent dangerous or latent defective condition of any public building, structure, dam, reservoir,
or other public improvement.

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- 251 (b)
- (i) As used in this Subsection (3)(b):
- 252 (A) "Contaminated land" means the same as that term is defined in Section 11-58-102.
- 254 (B) "Contamination" means the condition of land that results from the placement, disposal, or
release of hazardous matter on, in, or under the land, including any seeping or escaping of the
hazardous matter from the land.
- 257 (C) "Damage" means any property damage, personal injury, or other injury or any loss of any kind,
however denominated.
- 259 (D) "Environmentally compliant" means, as applicable, obtaining a certificate of completion from
the Department of Environmental Quality under Section 19-8-111 following participation
in a voluntary cleanup under Title 19, Chapter 8, Voluntary Cleanup Program, obtaining
an administrative letter from the Department of Environmental Quality for a discrete phase
of a voluntary cleanup that is conducted under a remedial action plan as defined in Section
11-58-605, or complying with the terms of an environmental covenant, as defined in Section
57-25-102, signed by an agency, as defined in Section 57-25-102, and duly recorded in the
office of the recorder of the county in which the contaminated land is located.
- 269 (E) "Government owner" means a governmental entity, including an independent entity, as defined
in Section 63E-1-102, that acquires an ownership interest in land that was contaminated land
before the governmental entity or independent entity acquired an ownership interest in the land.
- 273 (F) "Hazardous matter" means hazardous materials, as defined in Section 19-6-302, hazardous
substances, as defined in Section 19-6-302, or landfill material, as defined in Section 11-58-102.
- 276 (G) "Remediation" means the same as that term is defined in Section 11-58-102.
- 277 (ii)
- (A) A government owner and the government owner's officers and employees are immune from suit,
and immunity is not waived, for any claim for damage that arises out of or in connection with, or
results from, contamination of contaminated land.
- 281 (B) A government owner's ownership of contaminated land may not be the basis of a claim against
the government owner for damage that arises out of or in connection with, or results from,
contamination of contaminated land.
- 284 (iii) Subsection (3)(b)(ii) does not limit or affect:
- 285

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- (A) the liability of a person that placed, disposed of, or released hazardous matter on, in, or under the land; or
- 287 (B) a worker compensation claim of an employee of an entity that conducts work on or related to contaminated land.
- 289 (iv) Immunity under Subsection (3)(b)(ii)(A) is not affected by a government owner's remediation of contaminated land if the government owner is environmentally compliant.
- 292 (4) A governmental entity, its officers, and its employees are immune from suit, and immunity is not waived, for any injury proximately caused by a negligent act or omission of an employee committed within the scope of employment, if the injury arises out of or in connection with, or results from:
- 296 (a) the exercise or performance, or the failure to exercise or perform, a discretionary function, whether or not the discretion is abused;
- 298 (b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery, false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation of civil rights;
- 302 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar authorization;
- 305 (d) a failure to make an inspection or making an inadequate or negligent inspection;
- 306 (e) the institution or prosecution of any judicial or administrative proceeding, even if malicious or without probable cause;
- 308 (f) a misrepresentation by an employee whether or not the misrepresentation is negligent or intentional;
- 310 (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;
- 311 (h) the collection or assessment of taxes;
- 312 (i) an activity of the Utah National Guard;
- 313 (j) the incarceration of a person in a state prison, county or city jail, or other place of legal confinement;
- 315 (k) a natural condition on publicly owned or controlled land;
- 316 (l) a condition existing in connection with an abandoned mine or mining operation;
- 317 (m) an activity authorized by the School and Institutional Trust Lands Administration or the Division of Forestry, Fire, and State Lands;
- 319 (n) the operation or existence of a trail that is along a water facility, as defined in Section 73-1-8, stream, or river, regardless of ownership or operation of the water facility, stream, or river, if:
- 322

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- 326 (i) the trail is designated under a general plan adopted by a municipality under Section 10-9a-401 or by
327 a county under Section 17-27a-401;
- 328 (ii) the trail right-of-way or the right-of-way where the trail is located is open to public use as evidenced
329 by a written agreement between:
 - 330 (A) the owner or operator of the trail right-of-way or of the right-of-way where the trail is located; and
 - 331 (B) the municipality or county where the trail is located; and
- 332 (iii) the written agreement:
 - 333 (A) contains a plan for operation and maintenance of the trail; and
 - 334 (B) provides that an owner or operator of the trail right-of-way or of the right-of-way where the trail
335 is located has, at a minimum, the same level of immunity from suit as the governmental entity in
336 connection with or resulting from the use of the trail;
- 337 (o) research or implementation of cloud management or seeding for the clearing of fog;
- 338 (p) the management of flood waters, earthquakes, or natural disasters;
- 339 (q) the construction, repair, or operation of flood or storm systems;
- 340 (r) the operation of an emergency vehicle, while being driven in accordance with the requirements of
341 Section 41-6a-212;
- 342 (s) the activity of:
 - 343 (i) providing emergency medical assistance;
 - 344 (ii) fighting fire;
 - 345 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;
 - 346 (iv) an emergency evacuation;
 - 347 (v) transporting or removing an injured person to a place where emergency medical assistance can be
348 rendered or where the person can be transported by a licensed ambulance service; or
 - 349 (vi) intervening during a dam emergency;
- 350 (t) the exercise or performance, or the failure to exercise or perform, any function pursuant to Title 73,
351 Chapter 10, Board of Water Resources - Division of Water Resources;
- 352 (u) an unauthorized access to government records, data, or electronic information systems by any
353 person or entity;
- 354 (v) an activity of wildlife, as defined in Section 23A-1-101, that arises during the use of a public or
355 private road;

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- (w) a communication between employees of one or more law enforcement agencies related to the employment, disciplinary history, character, professional competence, or physical or mental health of a peace officer, or a former, current, or prospective employee of a law enforcement agency, including any communication made in accordance with Section 53-14-103; or
- 361 (x) providing or failing to provide information under Section 53-27-102 or Subsection 41-1a-213(6), (7), or (8), 53-3-207(4), or 53-3-805(5).
- 362 (5) The following are immune from suit, and immunity is not waived for an action or failure to act within the scope of duties or employment, if the injury arises out of, in connection with, or results from the implementation of Section 17-16-22 to the extent it addresses evaluating and classifying high risk wildland urban interface property, Section 31A-22-1310, or Title 65A, Chapter 8, Part 4, Wildland Urban Interface Property:
- 368 (a) the Division of Forestry, Fire, and State Lands;
- 369 (b) an officer, employee, or consultant of the Division of Forestry, Fire, and State Lands;
- 370 (c) a county;
- 371 (d) a wildland urban interface coordinator, as defined in Section 65A-8-401;
- 372 (e) the Insurance Department; or
- 373 (f) an officer, employee, or consultant of the Insurance Department.
- 382 Section 5. Section **65A-8-203** is amended to read:
- 383 **65A-8-203. Cooperative fire protection agreements with eligible entities.**
- 376 (1) As used in this section:
- 377 (a) "Eligible entity" means:
- 378 (i) a county, a municipality, or a special service district, special district, or service area with:
- 380 (A) wildland fire suppression responsibility as described in Section 11-7-1; and
- 381 (B) wildland fire suppression cost responsibility and taxing authority for a specific geographic jurisdiction; or
- 383 (ii) upon approval by the director, a political subdivision established by a county, municipality, special service district, special district, or service area that is responsible for:
- 386 (A) providing wildland fire suppression services; and
- 387 (B) paying for the cost of wildland fire suppression services.
- 388 (b) "Fire service provider" means a public or private entity that fulfills the duties of Subsection 11-7-1(1).

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- 390 (2)
- (a) The governing body of any eligible entity may enter into a cooperative agreement with the division to receive financial and wildfire management cooperation and assistance from the division, as described in this part.
- 393 (b) A cooperative agreement shall last for a term of no more than five years and be renewable if the eligible entity continues to meet the requirements of this chapter.
- 395 (3)
- (a) The state shall assume an eligible entity's cost of suppressing catastrophic wildfire as defined in the cooperative agreement if the eligible entity has entered into, and is in full compliance with, a cooperative agreement with the division, as described in this section.
- 399 (b) A county or municipality that is not covered by a cooperative agreement with the division, as described in this section, shall be responsible for wildland fire costs within the county or municipality's jurisdiction, as described in Section 65A-8-203.2.
- 402 (4) To enter into a cooperative agreement with the division, the eligible entity shall:
- 403 [~~(a)~~ if the eligible entity is a county, adopt and enforce on unincorporated land a wildland fire ordinance based upon minimum standards established by the division or Uniform Building Code Commission;]
- 406 [~~(b)~~ (a) require that the fire department or equivalent fire service provider under contract with, or delegated by, the eligible entity on unincorporated land meet minimum standards for wildland fire training, certification, and suppression equipment based upon nationally accepted standards as specified by the division;
- 410 [~~(c)~~ (b) invest in prevention, preparedness, and mitigation efforts, as agreed to with the division, that will reduce the eligible entity's risk of catastrophic wildfire;
- 412 [~~(d)~~ (c)
- (i) file with the division an annual accounting of wildfire prevention, preparedness, mitigation actions, and associated costs;
- 414 (ii) meet the eligibility entity's participation commitment by making direct payments to the division; or
- 416 (iii) do a combination of Subsections [~~(4)(d)(i) and (ii)~~] (4)(c)(i) and (ii);
- 417 [~~(e)~~ (d) return the financial statement described in Subsection (6), signed by the chief executive of the eligible entity, to the division on or before the date set by the division; ~~and~~]
- 420

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[~~(f)~~] (e) if the eligible entity is a county, have a designated fire warden as described in Section 65A-8-209.1[-] ;

422 (f) subject to Subsection (9), adopt and enforce the wildland urban interface building standards, as defined in Section 65A-8-401, if the eligible entity is a:

424 (i) county for purposes of an unincorporated area within the county; or

425 (ii) municipality for an incorporated area within a county; and

426 (g) if the eligible entity is a county, comply with Section 17-16-22.

427 (5)

(a) The state forester may execute a cooperative agreement with the eligible entity.

428 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the:

430 (i) cooperative agreements described in this section;

431 (ii) manner in which an eligible entity shall provide proof of compliance with Subsection (4);

433 (iii) manner by which the division may revoke a cooperative agreement if an eligible entity ceases to meet the requirements described in this section;

435 (iv) accounting system for determining suppression costs;

436 (v) manner in which the division shall determine the eligible entity's participation commitment; and

438 (vi) manner in which an eligible entity may appeal a division determination.

439 (6)

(a) The division shall send a financial statement to each eligible entity participating in a cooperative agreement that details the eligible entity's participation commitment for the coming fiscal year, including the prevention, preparedness, and mitigation actions agreed to under Subsection (4)[~~(e)~~] (b).

443 (b) Each eligible entity participating in a cooperative agreement shall:

444 (i) have the chief executive of the eligible entity sign the financial statement, or the legislative body of the eligible entity approve the financial statement by resolution, confirming the eligible entity's participation for the upcoming year; and

447 (ii) return the financial statement to the division, on or before a date set by the division.

449 (c) A financial statement shall be effective for one calendar year, beginning on the date set by the division, as described in Subsection (6)(b).

451 (7)

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- (a) An eligible entity may revoke a cooperative agreement before the end of the cooperative agreement's term by:
- 453 (i) informing the division, in writing, of the eligible entity's intention to revoke the cooperative agreement; or
- 455 (ii) failing to sign and return its annual financial statement, as described in Subsection (6)(b), unless the director grants an extension.
- 457 (b) An eligible entity may not revoke a cooperative agreement before the end of the term of a signed annual financial statement, as described in Subsection (6)(c).
- 459 (8)
- (a) The division shall develop and maintain a wildfire risk assessment mapping tool that is online and publicly accessible.
- 461 (b)
- ~~[(i)]~~ The division shall analyze ~~[adding an additional high-risk category]~~ and establish by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, boundaries for high risk wildland urban interface property and what constitutes wildland urban interface property that is not high risk within the wildfire risk assessment mapping tool described in Subsection (8)(a):
- 467 ~~[(A)]~~ (i) using a scientific assessment; and
- 468 ~~[(B)]~~ (ii) that is focused on the risk to dwellings within the wildland[-] urban interface area.
- 470 ~~[(ii)]~~ ~~The division shall report the results of the division's analysis under this Subsection (8)(b) to the Natural Resources, Agriculture, and Environment Interim Committee by no later than the 2024 November interim meeting of that committee.]~~
- 473 (c) With regard to the categories used within the wildfire risk assessment mapping tool described in Subsection (8)(a), the division may adjust the assessment for participation commitments if the adjustment is based on the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor, in accordance with a formula established by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 480 (9)
- (a) If the state under Section 15A-2-103 adopts an edition of the Utah Wildland Urban Interface Code, issued by the International Code Council, with the alternatives or amendments approved by the

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division, as a wildland urban interface building standard that may be adopted by a local compliance agency:

- 484 (i) for purposes of an unincorporated area within a county, the county shall adopt and enforce the
wildland urban interface building standard described in this Subsection (9)(a); and
- 487 (ii) for purposes of an incorporated area within a county, the relevant municipality shall adopt and
enforce the wildland urban interface building standard described in this Subsection (9)(a).
- 490 (b) If a county or municipality fails to comply with Subsections (4)(f) and (9)(a), the division may
choose to not pay costs of the county or municipality under a cooperative agreement executed under
this section.
- 493 (c)
- (i) If the state adopts a different wildland urban interface building standard than was previously adopted
under Section 15A-2-103, a county or municipality has two years from the date the state adopts
the different wildland urban interface building standard to adopt the appropriate wildland urban
interface building standard.
- 498 (ii) If a county or municipality fails to adopt the appropriate wildland urban interface building standard
within the time period described in Subsection (9)(c)(i), the division may choose to not pay costs of
the county or municipality under a cooperative agreement executed under this section beginning two
years from the day on which the state adopts the different wildland urban interface building standard
and until such time as the county or municipality adopts the appropriate wildland urban interface
building standard.

513 Section 6. Section **65A-8-215** is amended to read:

514 **65A-8-215. Wildland-urban interface fire prevention, preparedness, and mitigation.**

508 (1) As used in this section:

509 (a) "Prevention, preparedness, and mitigation fund" means the Wildland-urban Interface Prevention,
Preparedness, and Mitigation Fund created in this section.

511 (b) "Suppression fund" means the Wildland Fire Suppression Fund created in Section 65A-8-204.

513 (c) "Wildland-urban interface" means the zone where structures and other human development meets,
or intermingles with, undeveloped wildland.

515 (2)

(a) There is created an expendable special revenue fund known as the "Wildland-urban Interface
Prevention, Preparedness, and Mitigation Fund."

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- 517 (b) The prevention, preparedness, and mitigation fund shall consist of:
- 518 (i) interest and earnings from the investment of money from the prevention, preparedness, and
mitigation fund;
- 520 (ii) money received as direct payment from cooperative wildfire system participation commitments;
- 522 (iii) money appropriated by the Legislature;~~and~~
- 523 (iv) money transferred to the prevention, preparedness, and mitigation fund under Section 63J-1-314[-] ;
and
- 525 (v) fees deposited into the prevention, preparedness, and mitigation fund under Section 17-16-22.
- 527 (c) The division shall administer the prevention, preparedness, and mitigation fund to:
- 528 (i) pay costs of prevention and preparedness efforts on wildland-urban interface within the state, as
defined by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, including costs of an eligible entity that has entered into a cooperative agreement,
as described in Section 65A-8-203;
- 533 (ii) issue fire department assistance grants, which in the aggregate may not exceed 10% of the money in
the prevention, preparedness, and mitigation fund each fiscal year; and
- 536 (iii) in cases of catastrophic need as determined by the state forester, pay costs that could be paid from
the suppression fund under Section 65A-8-204.
- 538 (d) Disbursements from the prevention, preparedness, and mitigation fund may only be made upon
written order of the state forester or the state forester's authorized representative.
- 541 (3)
- (a) The division may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, establish criteria for community wildfire preparedness plans addressing wildland-
urban interface. The criteria shall require action that is:
- 545 (i) qualitative and quantitative; and
- 546 (ii) leads to reduced wildfire risk.
- 547 (b) An eligible entity, as defined in Section 65A-8-203, shall agree to implement prevention,
preparedness, and mitigation actions identified in a community wildfire preparedness plan
addressing wildland-urban interface that is approved by the division.

559 Section 7. Section 7 is enacted to read:

552

Part 4. Wildland Urban Interface Property

561 **65A-8-401. Definitions.**

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As used in this section:

- 555 (1) "High risk wildland urban interface property" means property located within the boundary of
high risk wildland urban interface as designated by the wildfire risk assessment tool in Subsection
65A-8-203(8)(a) and defined by rule made in accordance with Subsection 65A-8-402(5)(a).
- 559 ~~{(2)}~~ ~~"Third classification" means the classification under the triage scale that indicates the greatest risk~~
~~of wildfire.~~
- 561 ~~{(3)}~~ (2) "Triage scale" means a scale with three classifications adopted by the division to evaluate
and classify property located within the wildland urban interface as to what actions are needed to
prepare the property for fire.
- 564 ~~{(4)}~~ (3) "Wildland urban interface" means the same as that term is defined in Section 65A-8a-102.
- 566 ~~{(5)}~~ (4) "Wildland urban interface building standards" means the edition of the Utah Wildland Urban
Interface Code adopted under Section 15A-2-103.
- 568 ~~{(6)}~~ (5) "Wildland urban interface coordinator" means a representative of the division or a county who
evaluates and classifies wildland urban interface property in accordance with Section 65A-8-402.
- 571 ~~{(7)}~~ (6) "Wildland urban interface property and casualty insurer" means the same as that term is
defined in Section 31A-22-1310.

579 Section 8. Section **8** is enacted to read:

580 **65A-8-402. Evaluation of wildland urban interface property -- Fee amounts -- Rulemaking.**

- 576 (1)
- (a) The division shall establish a program under which a wildland urban interface coordinator evaluates
and classifies high risk wildland urban interface property using a triage scale.
- 579 (b) The wildland urban interface coordinator shall be:
- 580 (i) a representative of the division; or
- 581 (ii) if the evaluation and classification is assigned to a county, a representative of the county.
- 583 (c) ~~{By}~~ At the beginning of each calendar year, the division shall determine whether to assign
evaluation and classification under this section of high risk wildland urban interface property to a
county.
- 586 (2) After completing the evaluation and classification under this section, the wildland urban interface
coordinator shall inform a property owner of property described in Subsection (1)(a) of:
- 589 (a) the classification assigned to the property described in Subsection (1)(a) under the triage scale;
{and}

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- 591 ~~{(b) {if the classification assigned to the property described in Subsection (1)(a) is the third~~
~~classification: } }~~
- 593 ~~{(f)}~~ (b) the fee the property owner shall pay under Section 17-16-22; and
- 594 ~~{(f)}~~ (c) resources from the division or county that the property owner may access to bring the property
described in Subsection (1)(a) to the first or second classification by applying wildland urban
interface building standards.
- 597 (3) As part of the program established under this section, the division:
- 598 (a) may provide resources to a property owner described in Subsection (2)(b) to facilitate the property
owner bringing the property described in Subsection (1)(a) to the first or second classification under
the triage scale; and
- 601 (b) beginning on January 1, 2028, shall develop and maintain a database that may be accessed by a
wildland urban interface property and casualty insurer to learn the classification under the triage
scale for any portion of high risk wildland urban interface property to be covered by the wildland
urban interface property and casualty insurer.
- 610 (4)
- 605 ~~{(4)}~~ (a) The division shall annually set a ~~{flat}~~ fee amount that is based on the square footage of
a structure within the high risk wildland urban interface to pay for the costs associated with the
implementation of this part to be assessed and collected by a county in accordance with Section
17-16-22.
- 614 (b) The division may tier the fee amount to account for what level on the triage scale a property is
assigned by a wildland urban interface coordinator.
- 608 (5) The division may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, to:
- 610 (a) define high risk wildland urban interface property and wildland urban interface property that is not
high risk as provided in Subsection 65A-8-203(8)(b);
- 612 (b) establish the criteria used to evaluate and classify property located within high risk wildland urban
interface property;
- 614 (c) create a process by which the division and counties communicate classifications assigned to
property described in Subsection (1)(a);
- 616 (d) create a process for communicating to a property owner the information described in Subsection (2);
- 618 (e) establish how the division may provide resources under Subsection (3);

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619 (f) create a process for a wildland urban interface property and casualty insurer to learn the
classification described in Subsection (3)(b); and

621 (g) establish how the fee amount described in Subsection (4) is set.

630 Section 9. Section **9** is enacted to read:

631 **65A-8-403. Liability.**

This part does not create a cause of action against the state, the division, an ~~officer,~~
{~~officer,~~} employee, or consultant of the division, a county, or a wildland urban interface
~~coordinator for~~
{~~coordinator for~~} an act or failure to act under this part and does not waive governmental
~~immunity in~~
{~~immunity in~~} accordance with Subsection 63G-7-201(5).

636 Section 10. **Effective date.**

This bill takes effect on {~~May 7, 2025~~} ~~January 1, 2026~~.

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