

**Wildland Urban Interface Modifications**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Casey Snider**

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**LONG TITLE****Committee Note:**

The Business and Labor Interim Committee recommended this bill.

Legislative Vote: 10 voting for 0 voting against 12 absent

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires counties to take certain actions related to wildland urban interface property, including assessing a fee;
- ▶ directs the fee to be retained by a county or deposited into the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund;
- ▶ addresses insuring wildland urban interface property;
- ▶ imposes notice requirements related to insuring wildland urban interface property;
- ▶ requires counties and municipalities to adopt the wildland urban interface building code standards;
- ▶ permits the Division of Forestry, Fire, and State Lands (division) to choose not to cover costs of local governments under certain circumstances;
- ▶ directs the division to establish a program for wildland urban interface coordinators to evaluate, using a triage scale, high risk wildland urban interface property;
- ▶ addresses actions related to evaluating the high risk wildland urban interface property;
- ▶ provides for a database to be accessed by certain insurers related to evaluating high risk wildland urban interface property;
- ▶ authorizes rulemaking;
- ▶ addresses liability; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **15A-5-203**, as last amended by Laws of Utah 2024, Chapters 21, 381

38 **63G-7-201**, as last amended by Laws of Utah 2023, Chapters 34, 105, 259, 329, 452, and  
39 456

40 **65A-8-203**, as last amended by Laws of Utah 2024, Chapter 77

41 **65A-8-215**, as last amended by Laws of Utah 2024, Chapter 77

42 ENACTS:

43 **17-16-22**, Utah Code Annotated 1953

44 **31A-22-1310**, Utah Code Annotated 1953

45 **65A-8-401**, Utah Code Annotated 1953

46 **65A-8-402**, Utah Code Annotated 1953

47 **65A-8-403**, Utah Code Annotated 1953

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

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

51 **15A-5-203 . Amendments and additions to IFC related to fire safety, building,**  
52 **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  
55 follows: "An authority having jurisdiction over a structure built in accordance with  
56 the requirements of the International Residential Code as adopted in the State  
57 Construction Code, may require an automatic fire sprinkler system for the structure  
58 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  
61 Wildland Urban Interface Code adopted as a construction code under the State  
62 Construction Code; and

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

- 66 (ii) the structure is in an area where a public water distribution system with fire  
67 hydrants does not exist as required in Utah Administrative Code, R309-550-5,  
68 Water Main Design;
- 69 (iii) the only fire apparatus access road has a grade greater than 10% for more than  
70 500 continual feet;
- 71 (iv) the total floor area of all floor levels within the exterior walls of the dwelling unit  
72 exceeds 10,000 square feet; or
- 73 (v) the total floor area of all floor levels within the exterior walls of the dwelling unit  
74 is double the average of the total floor area of all floor levels of unsprinkled  
75 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  
77 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  
81 spreading from the dwelling to another property."
- 82 (b) In IFC, Chapter 5, Section 506.1, Where Required, is deleted and rewritten as  
83 follows: "Where access to or within a structure or an area is restricted because of  
84 secured openings or where immediate access is necessary for life-saving or  
85 fire-fighting purposes, the fire code official, after consultation with the building  
86 owner, may require a key box to be installed in an approved location. The key box  
87 shall contain keys to gain necessary access as required by the fire code official. For  
88 each fire jurisdiction that has at least one building with a required key box, the fire  
89 jurisdiction shall adopt an ordinance, resolution, or other operating rule or policy that  
90 creates a process to ensure that each key to each key box is properly accounted for  
91 and secure."
- 92 (c) In IFC, Chapter 5, a new Section 507.1.1, Isolated one- and two-family dwellings, is  
93 added as follows: "Fire flow may be reduced for an isolated one- and two-family  
94 dwelling when the authority having jurisdiction over the dwelling determines that the  
95 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  
99 described in Section 501.5."

- 100 (e) In IFC, Chapter 5, Section 507.5.1, here required, a new exception is added: "3. One  
101 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  
103 new buildings, is amended by adding: "When required by the fire code official,  
104 unless the new building is a public school as that term is defined in Section  
105 53G-9-205.1 or a private school, then the fire code official shall require," at the  
106 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  
109 follows: "Firefighter service keys shall be kept in a "Supra-Stor-a-key" elevator key  
110 box or similar box with corresponding key system that is adjacent to the elevator for  
111 immediate use by the fire department. The key box shall contain one key for each  
112 elevator, one key for lobby control, and any other keys necessary for emergency  
113 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  
115 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  
117 hood is not required for a cooking appliance in a microenterprise home kitchen, as  
118 that term is defined in Utah Code, Section 26B-7-401, for which the operator obtains  
119 a permit in accordance with Section 26B-7-416."
- 120 (3) IFC, Chapter 7, Fire and Smoke Protection Features, Section 702.5, is deleted.  
121 Section 2. Section **17-16-22** is enacted to read:  
122 **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  
126 in Section 65A-8-401.
- 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) "Wildland urban interface" means the same as that term is defined in Section  
130 65A-8-401.
- 131 (f) "Wildland urban interface coordinator" means the same as that term is defined in  
132 Section 65A-8-401.
- 133 (2) If evaluation of high risk wildland urban interface property is assigned to a county under

- 134 Section 65A-8-402:
- 135 (a) the county shall enter into a cooperative agreement with the Division of Forestry,
- 136 Fire, and State Lands, in accordance with Subsection 65A-8-203(2)(a), which
- 137 agreement shall address compliance with this Subsection (2) for evaluation and
- 138 classification of high risk wildland urban interface property; and
- 139 (b) a county officer shall require that a wildland urban interface coordinator representing
- 140 the county annually evaluate high risk wildland urban interface property within the
- 141 county in accordance with Section 65A-8-402.
- 142 (3) A county officer shall:
- 143 (a) annually assess a fee:
- 144 (i) against the property owner of high risk wildland urban interface property
- 145 determined by a wildland urban interface coordinator to be in the third
- 146 classification under the triage scale adopted under Title 65A, Chapter 8, Part 4,
- 147 Wildland Urban Interface Property; and
- 148 (ii) in the amount set by the Division of Forestry, Fire, and State Lands under Section
- 149 65A-8-402; and
- 150 (b)(i) transmit the fee assessed under Subsection (3)(a) to the Division of Finance for
- 151 deposit into the Wildland-urban Interface Prevention, Preparedness, and
- 152 Mitigation Fund created in Section 65A-8-215;
- 153 (ii) retain a portion of the fee assessed under Subsection (3)(a) to pay costs incurred
- 154 by the county in implementing this section, which the county may include in the
- 155 county's annual accounting of wildfire prevention, preparedness, mitigation
- 156 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
- 159 property for a fee that is past due by following the procedures in Sections 17B-1-902
- 160 and 17B-1-902.1, as if the county is a special district.
- 161 Section 3. Section **31A-22-1310** is enacted to read:
- 162 **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
- 165 in Section 65A-8-401.
- 166 (b) "Wildland urban interface" means the same as that term is defined in Section
- 167 65A-8-401.

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

170 (2)(a) For purposes of rate setting and underwriting for high risk wildland urban  
171 interface property, a wildland urban interface property and casualty insurer may only  
172 use the boundary provided in the wildfire risk assessment mapping tool maintained  
173 by the Division of Forestry, Fire, and State Lands in accordance with Subsection  
174 65A-8-203(8) to determine whether the property is high risk wildland urban interface  
175 property.

176 (b) A wildland urban interface property and casualty insurer may use fire hazard data  
177 other than the wildfire risk assessment mapping tool described in Subsection (2)(a) in  
178 connection with setting a rate for, or the underwriting of, wildland urban interface  
179 property that is determined by the Division of Forestry, Fire, and State Lands by rule  
180 made under Subsection 65A-8-203(8)(b) to not be high risk wildland urban interface  
181 property only if the fire hazard data uses multiple metrics that are balanced and  
182 integrated and the independently verifiable data includes standardized metrics for  
183 determination of overall wildfire hazard potential, burn probability, damage potential,  
184 rate of spread, suppression difficulty indices, probability of extreme fire behavior,  
185 and structure exposure scores. A wildland urban interface property and casualty  
186 insurer shall use flexible data and tools that meet acceptable industry standards and  
187 that are highly compatible with wildfire hazard data for underwriting and rate setting  
188 practices in fire-prone areas.

189 (3)(a) The department shall conduct a third party actuarial review of a rate submitted by  
190 a wildland urban interface property and casualty insurer related to wildland urban  
191 interface property.

192 (b) A wildland urban interface property and casualty insurer shall reimburse the  
193 department for the reasonable costs of the third party actuarial review described in  
194 Subsection (3)(a).

195 (c) Chapter 19a, Utah Rate Regulation Act, applies to a rate subject to a third party  
196 actuarial review under this Subsection (3).

197 (d) The commissioner may disapprove a rate in accordance with Section 31A-19a-206  
198 that is submitted by a wildland urban interface property and casualty insurer.

199 (4) In addition to complying with relevant requirements of Section 31A-21-303, if a  
200 wildland urban interface property and casualty insurer cancels, nonrenews, or increases  
201 the premium by more than 20% of the previous term's premium for property and

202 casualty insurance covering wildland urban interface property, the insurer shall include  
 203 in the notice of cancellation, nonrenewal, or premium increase the facts on which the  
 204 wildland urban interface property and casualty insurer's decision is based with  
 205 reasonable precision.

206 (5) 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,  
 212 Fire, and State Lands; or

213 (v) a wildland urban interface coordinator, as defined in Section 65A-8-401; and

214 (b) waive governmental immunity in accordance with Subsection 63G-7-201(5).

215 Section 4. Section **63G-7-201** is amended to read:

216 **63G-7-201 . Immunity of governmental entities and employees from suit.**

217 (1) Except as otherwise provided in this chapter, each governmental entity and each  
 218 employee of a governmental entity are immune from suit for any injury that results from  
 219 the exercise of a governmental function.

220 (2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a  
 221 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  
 224 implement measures to:

225 (i) control the causes of epidemic and communicable diseases and other conditions  
 226 significantly affecting the public health or necessary to protect the public health as  
 227 set out in Title 26A, Chapter 1, Local Health Departments;

228 (ii) investigate and control suspected bioterrorism and disease as set out in Sections  
 229 26B-7-316 through 26B-7-324;

230 (iii) respond to a national, state, or local emergency, a public health emergency as  
 231 defined in Section 26B-7-301, or a declaration by the President of the United  
 232 States or other federal official requesting public health related activities, including  
 233 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  
239 care providers, public health entities, and health care insurers to coordinate among  
240 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  
242 immunity is not waived, for any injury if the injury arises out of or in connection  
243 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,  
246 or viaduct; or  
247 (B) another structure located on any of the items listed in this Subsection (3)(a)(i);  
248 or
- 249 (ii) a latent dangerous or latent defective condition of any public building, structure,  
250 dam, reservoir, or other public improvement.
- 251 (b)(i) As used in this Subsection (3)(b):
- 252 (A) "Contaminated land" means the same as that term is defined in Section  
253 11-58-102.
- 254 (B) "Contamination" means the condition of land that results from the placement,  
255 disposal, or release of hazardous matter on, in, or under the land, including any  
256 seeping or escaping of the hazardous matter from the land.
- 257 (C) "Damage" means any property damage, personal injury, or other injury or any  
258 loss of any kind, however denominated.
- 259 (D) "Environmentally compliant" means, as applicable, obtaining a certificate of  
260 completion from the Department of Environmental Quality under Section  
261 19-8-111 following participation in a voluntary cleanup under Title 19, Chapter  
262 8, Voluntary Cleanup Program, obtaining an administrative letter from the  
263 Department of Environmental Quality for a discrete phase of a voluntary  
264 cleanup that is conducted under a remedial action plan as defined in Section  
265 11-58-605, or complying with the terms of an environmental covenant, as  
266 defined in Section 57-25-102, signed by an agency, as defined in Section  
267 57-25-102, and duly recorded in the office of the recorder of the county in  
268 which the contaminated land is located.
- 269 (E) "Government owner" means a governmental entity, including an independent



270 entity, as defined in Section 63E-1-102, that acquires an ownership interest in  
271 land that was contaminated land before the governmental entity or independent  
272 entity acquired an ownership interest in the land.

273 (F) "Hazardous matter" means hazardous materials, as defined in Section 19-6-302,  
274 hazardous substances, as defined in Section 19-6-302, or landfill material, as  
275 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  
278 are immune from suit, and immunity is not waived, for any claim for damage  
279 that arises out of or in connection with, or results from, contamination of  
280 contaminated land.

281 (B) A government owner's ownership of contaminated land may not be the basis  
282 of a claim against the government owner for damage that arises out of or in  
283 connection with, or results from, contamination of contaminated land.

284 (iii) Subsection (3)(b)(ii) does not limit or affect:

285 (A) the liability of a person that placed, disposed of, or released hazardous matter  
286 on, in, or under the land; or

287 (B) a worker compensation claim of an employee of an entity that conducts work  
288 on or related to contaminated land.

289 (iv) Immunity under Subsection (3)(b)(ii)(A) is not affected by a government owner's  
290 remediation of contaminated land if the government owner is environmentally  
291 compliant.

292 (4) A governmental entity, its officers, and its employees are immune from suit, and  
293 immunity is not waived, for any injury proximately caused by a negligent act or  
294 omission of an employee committed within the scope of employment, if the injury arises  
295 out of or in connection with, or results from:

296 (a) the exercise or performance, or the failure to exercise or perform, a discretionary  
297 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,  
299 false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of  
300 process, libel, slander, deceit, interference with contract rights, infliction of mental  
301 anguish, or violation of civil rights;

302 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue,  
303 deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar

- 304 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
- 307 malicious or without probable cause;
- 308 (f) a misrepresentation by an employee whether or not the misrepresentation is negligent
- 309 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
- 314 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
- 318 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
- 320 73-1-8, stream, or river, regardless of ownership or operation of the water facility,
- 321 stream, or river, if:
- 322 (i) the trail is designated under a general plan adopted by a municipality under
- 323 Section 10-9a-401 or by a county under Section 17-27a-401;
- 324 (ii) the trail right-of-way or the right-of-way where the trail is located is open to
- 325 public use as evidenced by a written agreement between:
- 326 (A) the owner or operator of the trail right-of-way or of the right-of-way where the
- 327 trail is located; and
- 328 (B) the municipality or county where the trail is located; and
- 329 (iii) the written agreement:
- 330 (A) contains a plan for operation and maintenance of the trail; and
- 331 (B) provides that an owner or operator of the trail right-of-way or of the
- 332 right-of-way where the trail is located has, at a minimum, the same level of
- 333 immunity from suit as the governmental entity in connection with or resulting
- 334 from the use of the trail;
- 335 (o) research or implementation of cloud management or seeding for the clearing of fog;
- 336 (p) the management of flood waters, earthquakes, or natural disasters;
- 337 (q) the construction, repair, or operation of flood or storm systems;

- 338 (r) the operation of an emergency vehicle, while being driven in accordance with the  
339 requirements of Section 41-6a-212;
- 340 (s) the activity of:
- 341 (i) providing emergency medical assistance;
- 342 (ii) fighting fire;
- 343 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;
- 344 (iv) an emergency evacuation;
- 345 (v) transporting or removing an injured person to a place where emergency medical  
346 assistance can be rendered or where the person can be transported by a licensed  
347 ambulance service; or
- 348 (vi) intervening during a dam emergency;
- 349 (t) the exercise or performance, or the failure to exercise or perform, any function  
350 pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water  
351 Resources;
- 352 (u) an unauthorized access to government records, data, or electronic information  
353 systems by any person or entity;
- 354 (v) an activity of wildlife, as defined in Section 23A-1-101, that arises during the use of  
355 a public or private road;
- 356 (w) a communication between employees of one or more law enforcement agencies  
357 related to the employment, disciplinary history, character, professional competence,  
358 or physical or mental health of a peace officer, or a former, current, or prospective  
359 employee of a law enforcement agency, including any communication made in  
360 accordance with Section 53-14-103; or
- 361 (x) providing or failing to provide information under Section 53-27-102 or Subsection  
362 41-1a-213(6), (7), or (8), 53-3-207(4), or 53-3-805(5).
- 363 (5) The following are immune from suit, and immunity is not waived for an action or  
364 failure to act within the scope of duties or employment, if the injury arises out of, in  
365 connection with, or results from the implementation of Section 17-16-22 to the extent it  
366 addresses evaluating and classifying high risk wildland urban interface property, Section  
367 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.

374 Section 5. Section **65A-8-203** is amended to read:

375 **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  
 379 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  
 382 geographic jurisdiction; or

383 (ii) upon approval by the director, a political subdivision established by a county,  
 384 municipality, special service district, special district, or service area that is  
 385 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  
 389 Subsection 11-7-1(1).

390 (2)(a) The governing body of any eligible entity may enter into a cooperative agreement  
 391 with the division to receive financial and wildfire management cooperation and  
 392 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  
 394 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  
 396 wildfire as defined in the cooperative agreement if the eligible entity has entered into,  
 397 and is in full compliance with, a cooperative agreement with the division, as  
 398 described in this section.

399 (b) A county or municipality that is not covered by a cooperative agreement with the  
 400 division, as described in this section, shall be responsible for wildland fire costs  
 401 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~~  
 404 ~~wildland fire ordinance based upon minimum standards established by the division or~~  
 405 ~~Uniform Building Code Commission;]~~

- 406        ~~(b)~~ (a) require that the fire department or equivalent fire service provider under contract  
 407            with, or delegated by, the eligible entity on unincorporated land meet minimum  
 408            standards for wildland fire training, certification, and suppression equipment based  
 409            upon nationally accepted standards as specified by the division;
- 410        ~~(e)~~ (b) invest in prevention, preparedness, and mitigation efforts, as agreed to with the  
 411            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,  
 413            preparedness, mitigation actions, and associated costs;
- 414            (ii) meet the eligibility entity's participation commitment by making direct payments  
 415            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  
 418            executive of the eligible entity, to the division on or before the date set by the  
 419            division;~~and]~~
- 420        ~~(f)~~ (e) if the eligible entity is a county, have a designated fire warden as described in  
 421            Section 65A-8-209.1~~[-]~~ ;
- 422        (f) subject to Subsection (9), adopt and enforce the wildland urban interface building  
 423            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  
 429            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  
 432            Subsection (4);
- 433            (iii) manner by which the division may revoke a cooperative agreement if an eligible  
 434            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  
 437            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

440 in a cooperative agreement that details the eligible entity's participation commitment  
 441 for the coming fiscal year, including the prevention, preparedness, and mitigation  
 442 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  
 445 legislative body of the eligible entity approve the financial statement by  
 446 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  
 448 division.

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

451 (7)(a) An eligible entity may revoke a cooperative agreement before the end of the  
 452 cooperative agreement's term by:

453 (i) informing the division, in writing, of the eligible entity's intention to revoke the  
 454 cooperative agreement; or

455 (ii) failing to sign and return its annual financial statement, as described in  
 456 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  
 458 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  
 460 that is online and publicly accessible.

461 (b)~~(i)~~ The division shall analyze ~~[adding an additional high-risk category]~~ and

462 establish by rule, made in accordance with Title 63G, Chapter 3, Utah

463 Administrative Rulemaking Act, boundaries for high risk wildland urban interface

464 property and what constitutes wildland urban interface property that is not high

465 risk within the wildfire risk assessment mapping tool described in Subsection

466 (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  
 469 area.

470 ~~[(ii) The division shall report the results of the division's analysis under this~~

471 ~~Subsection (8)(b) to the Natural Resources, Agriculture, and Environment Interim~~

472 ~~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

474 described in Subsection (8)(a), the division may adjust the assessment for  
475 participation commitments if the adjustment is based on the Consumer Price Index  
476 for All Urban Consumers as published by the Bureau of Labor Statistics of the  
477 United States Department of Labor, in accordance with a formula established by the  
478 division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
479 Rulemaking Act.

- 480 (9)(a) If the state under Section 15A-2-103 adopts an edition of the Utah Wildland  
481 Urban Interface Code, issued by the International Code Council, with the alternatives  
482 or amendments approved by the division, as a wildland urban interface building  
483 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  
485 enforce the wildland urban interface building standard described in this  
486 Subsection (9)(a); and
  - 487 (ii) for purposes of an incorporated area within a county, the relevant municipality  
488 shall adopt and enforce the wildland urban interface building standard described  
489 in this Subsection (9)(a).
- 490 (b) If a county or municipality fails to comply with Subsections (4)(f) and (9)(a), the  
491 division may choose to not pay costs of the county or municipality under a  
492 cooperative agreement executed under this section.
- 493 (c)(i) If the state adopts a different wildland urban interface building standard than  
494 was previously adopted under Section 15A-2-103, a county or municipality has  
495 two years from the date the state adopts the different wildland urban interface  
496 building standard to adopt the appropriate wildland urban interface building  
497 standard.
- 498 (ii) If a county or municipality fails to adopt the appropriate wildland urban interface  
499 building standard within the time period described in Subsection (9)(c)(i), the  
500 division may choose to not pay costs of the county or municipality under a  
501 cooperative agreement executed under this section beginning two years from the  
502 day on which the state adopts the different wildland urban interface building  
503 standard and until such time as the county or municipality adopts the appropriate  
504 wildland urban interface building standard.

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

506 **65A-8-215 . Wildland-urban interface fire prevention, preparedness, and**  
507 **mitigation.**

- 508 (1) As used in this section:
- 509 (a) "Prevention, preparedness, and mitigation fund" means the Wildland-urban Interface  
510 Prevention, Preparedness, and Mitigation Fund created in this section.
- 511 (b) "Suppression fund" means the Wildland Fire Suppression Fund created in Section  
512 65A-8-204.
- 513 (c) "Wildland-urban interface" means the zone where structures and other human  
514 development meets, or intermingles with, undeveloped wildland.
- 515 (2)(a) There is created an expendable special revenue fund known as the  
516 "Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund."
- 517 (b) The prevention, preparedness, and mitigation fund shall consist of:
- 518 (i) interest and earnings from the investment of money from the prevention,  
519 preparedness, and mitigation fund;
- 520 (ii) money received as direct payment from cooperative wildfire system participation  
521 commitments;
- 522 (iii) money appropriated by the Legislature;~~and~~
- 523 (iv) money transferred to the prevention, preparedness, and mitigation fund under  
524 Section 63J-1-314~~;~~ and
- 525 (v) fees deposited into the prevention, preparedness, and mitigation fund under  
526 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  
529 within the state, as defined by the division by rule made in accordance with Title  
530 63G, Chapter 3, Utah Administrative Rulemaking Act, including costs of an  
531 eligible entity that has entered into a cooperative agreement, as described in  
532 Section 65A-8-203;
- 533 (ii) issue fire department assistance grants, which in the aggregate may not exceed  
534 10% of the money in the prevention, preparedness, and mitigation fund each fiscal  
535 year; and
- 536 (iii) in cases of catastrophic need as determined by the state forester, pay costs that  
537 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  
539 made upon written order of the state forester or the state forester's authorized  
540 representative.
- 541 (3)(a) The division may by rule, made in accordance with Title 63G, Chapter 3, Utah



542 Administrative Rulemaking Act, establish criteria for community wildfire  
 543 preparedness plans addressing wildland-urban interface. The criteria shall require  
 544 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  
 548 prevention, preparedness, and mitigation actions identified in a community wildfire  
 549 preparedness plan addressing wildland-urban interface that is approved by the  
 550 division.

551 Section 7. Section **65A-8-401** is enacted to read:

552

#### **Part 4. Wildland Urban Interface Property**

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

554 As used in this section:

- 555 (1) "High risk wildland urban interface property" means property located within the  
 556 boundary of high risk wildland urban interface as designated by the wildfire risk  
 557 assessment tool in Subsection 65A-8-203(8)(a) and defined by rule made in accordance  
 558 with Subsection 65A-8-402(5)(a).
- 559 (2) "Third classification" means the classification under the triage scale that indicates the  
 560 greatest risk of wildfire.
- 561 (3) "Triage scale" means a scale with three classifications adopted by the division to  
 562 evaluate and classify property located within the wildland urban interface as to what  
 563 actions are needed to prepare the property for fire.
- 564 (4) "Wildland urban interface" means the same as that term is defined in Section  
 565 65A-8a-102.
- 566 (5) "Wildland urban interface building standards" means the edition of the Utah Wildland  
 567 Urban Interface Code adopted under Section 15A-2-103.
- 568 (6) "Wildland urban interface coordinator" means a representative of the division or a  
 569 county who evaluates and classifies wildland urban interface property in accordance  
 570 with Section 65A-8-402.
- 571 (7) "Wildland urban interface property and casualty insurer" means the same as that term is  
 572 defined in Section 31A-22-1310.

573 Section 8. Section **65A-8-402** is enacted to read:

574 **65A-8-402 . Evaluation of wildland urban interface property -- Fee amounts --**

575 **Rulemaking.**

- 576 (1)(a) The division shall establish a program under which a wildland urban interface  
577 coordinator evaluates and classifies high risk wildland urban interface property using  
578 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  
582 county.
- 583 (c) By the beginning of each calendar year, the division shall determine whether to  
584 assign evaluation and classification under this section of high risk wildland urban  
585 interface property to a county.
- 586 (2) After completing the evaluation and classification under this section, the wildland urban  
587 interface coordinator shall inform a property owner of property described in Subsection  
588 (1)(a) of:
- 589 (a) the classification assigned to the property described in Subsection (1)(a) under the  
590 triage scale; and
- 591 (b) if the classification assigned to the property described in Subsection (1)(a) is the  
592 third classification:
- 593 (i) the fee the property owner shall pay under Section 17-16-22; and  
594 (ii) resources from the division or county that the property owner may access to bring  
595 the property described in Subsection (1)(a) to the first or second classification by  
596 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  
599 facilitate the property owner bringing the property described in Subsection (1)(a) to  
600 the first or second classification under the triage scale; and
- 601 (b) shall develop and maintain a database that may be accessed by a wildland urban  
602 interface property and casualty insurer to learn the classification under the triage  
603 scale for any portion of high risk wildland urban interface property to be covered by  
604 the wildland urban interface property and casualty insurer.
- 605 (4) The division shall annually set a flat fee amount to pay for the costs associated with the  
606 implementation of this part to be assessed and collected by a county in accordance with  
607 Section 17-16-22.
- 608 (5) The division may make rules, in accordance with Title 63G, Chapter 3, Utah

609 Administrative Rulemaking Act, to:

- 610 (a) define high risk wildland urban interface property and wildland urban interface  
611 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  
613 wildland urban interface property;  
614 (c) create a process by which the division and counties communicate classifications  
615 assigned to property described in Subsection (1)(a);  
616 (d) create a process for communicating to a property owner the information described in  
617 Subsection (2);  
618 (e) establish how the division may provide resources under Subsection (3);  
619 (f) create a process for a wildland urban interface property and casualty insurer to learn  
620 the classification described in Subsection (3)(b); and  
621 (g) establish how the fee amount described in Subsection (4) is set.

622 Section 9. Section **65A-8-403** is enacted to read:

623 **65A-8-403 . Liability.**

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

628 Section 10. **Effective Date.**

629 This bill takes effect on May 7, 2025.