

Wildland Urban Interface Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:

LONG TITLE**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:

None

Other Special Clauses:

None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **15A-5-203**, as last amended by Laws of Utah 2024, Chapters 21, 38135 **63G-7-201**, as last amended by Laws of Utah 2023, Chapters 34, 105, 259, 329, 452, and
36 45637 **65A-8-203**, as last amended by Laws of Utah 2024, Chapter 7738 **65A-8-215**, as last amended by Laws of Utah 2024, Chapter 77

39 ENACTS:

40 **17-16-22**, Utah Code Annotated 195341 **31A-22-1310**, Utah Code Annotated 195342 **65A-8-401**, Utah Code Annotated 195343 **65A-8-402**, Utah Code Annotated 195344 **65A-8-403**, Utah Code Annotated 1953

45

46 *Be it enacted by the Legislature of the state of Utah:*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,**
49 **and site requirements.**

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

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

56 (i) the structure:

57 (A) is located in an urban-wildland interface area as provided in the Utah
58 Wildland Urban Interface Code adopted as a construction code under the State
59 Construction Code; and60 (B) does not meet the requirements described in Utah Code, Subsection 65A-8-203
61 (4)[(a)] (f) and Utah Administrative Code, R652-122-1300, Minimum
62 Standards for County Wildland Fire Ordinance;63 (ii) the structure is in an area where a public water distribution system with fire
64 hydrants does not exist as required in Utah Administrative Code, R309-550-5,
65 Water Main Design;

- 66 (iii) the only fire apparatus access road has a grade greater than 10% for more than
67 500 continual feet;
- 68 (iv) the total floor area of all floor levels within the exterior walls of the dwelling unit
69 exceeds 10,000 square feet; or
- 70 (v) the total floor area of all floor levels within the exterior walls of the dwelling unit
71 is double the average of the total floor area of all floor levels of unsprinkled
72 homes in the subdivision that are no larger than 10,000 square feet.
- 73 (vi) Exception: A single family dwelling does not require a fire sprinkler system if
74 the dwelling:
- 75 (A) is located outside the wildland urban interface;
- 76 (B) is built in a one-lot subdivision; and
- 77 (C) has 50 feet of defensible space on all sides that limits the propensity of fire
78 spreading from the dwelling to another property."
- 79 (b) In IFC, Chapter 5, Section 506.1, Where Required, is deleted and rewritten as
80 follows: "Where access to or within a structure or an area is restricted because of
81 secured openings or where immediate access is necessary for life-saving or
82 fire-fighting purposes, the fire code official, after consultation with the building
83 owner, may require a key box to be installed in an approved location. The key box
84 shall contain keys to gain necessary access as required by the fire code official. For
85 each fire jurisdiction that has at least one building with a required key box, the fire
86 jurisdiction shall adopt an ordinance, resolution, or other operating rule or policy that
87 creates a process to ensure that each key to each key box is properly accounted for
88 and secure."
- 89 (c) In IFC, Chapter 5, a new Section 507.1.1, Isolated one- and two-family dwellings, is
90 added as follows: "Fire flow may be reduced for an isolated one- and two-family
91 dwelling when the authority having jurisdiction over the dwelling determines that the
92 development of a full fire-flow requirement is impractical."
- 93 (d) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as follows:
94 "507.1.2 Pre-existing subdivision lots.
95 The requirements for a pre-existing subdivision lot shall not exceed the requirements
96 described in Section 501.5."
- 97 (e) In IFC, Chapter 5, Section 507.5.1, here required, a new exception is added: "3. One
98 interior and one detached accessory dwelling unit on a single residential lot."
- 99 (f) IFC, Chapter 5, Section 510.1, Emergency responder communication coverage in

100 new buildings, is amended by adding: "When required by the fire code official,
 101 unless the new building is a public school as that term is defined in Section
 102 53G-9-205.1 or a private school, then the fire code official shall require," at the
 103 beginning of the first paragraph.

104 (2) For IFC, Chapter 6, Building Services and Systems:

105 (a) IFC, Chapter 6, Section 604.6.1, Elevator key location, is deleted and rewritten as
 106 follows: "Firefighter service keys shall be kept in a "Supra-Stor-a-key" elevator key
 107 box or similar box with corresponding key system that is adjacent to the elevator for
 108 immediate use by the fire department. The key box shall contain one key for each
 109 elevator, one key for lobby control, and any other keys necessary for emergency
 110 service. The elevator key box shall be accessed using a 6049 numbered key."

111 (b) IFC, Chapter 6, Section 606.1, General, is amended as follows: On line three, after
 112 the word "Code", add the words "and NFPA 96".

113 (c) IFC, Chapter 6, Section 607.2, a new exception 5 is added as follows: "5. A Type 1
 114 hood is not required for a cooking appliance in a microenterprise home kitchen, as
 115 that term is defined in Utah Code, Section 26B-7-401, for which the operator obtains
 116 a permit in accordance with Section 26B-7-416."

117 (3) IFC, Chapter 7, Fire and Smoke Protection Features, Section 702.5, is deleted.

118 Section 2. Section **17-16-22** is enacted to read:

119 **17-16-22 . Wildland urban interface evaluation and fees.**

120 (1) As used in this section:

121 (a) "County officer" means the same as that term is defined in Section 17-16-21.

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

124 (c) "Third classification" means the same as that term is defined in Section 65A-8-401.

125 (d) "Triage scale" means the same as that term is defined in Section 65A-8-401.

126 (e) "Wildland urban interface" means the same as that term is defined in Section
 127 65A-8-401.

128 (f) "Wildland urban interface coordinator" means the same as that term is defined in
 129 Section 65A-8-401.

130 (2) If evaluation of high risk wildland urban interface property is assigned to a county under
 131 Section 65A-8-402:

132 (a) the county shall enter into a cooperative agreement with the Division of Forestry,
 133 Fire, and State Lands, in accordance with Subsection 65A-8-203(2)(a), which

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

158 Section 3. Section **31A-22-1310** is enacted to read:

159 **31A-22-1310 . Insuring wildland urban interface property.**

- 160 (1) As used in this section:
- 161 (a) "High risk wildland urban interface property" means the same as that term is defined
 162 in Section 65A-8-401.
- 163 (b) "Wildland urban interface" means the same as that term is defined in Section
 164 65A-8-401.
- 165 (c) "Wildland urban interface property and casualty insurer" means an insurer that issues
 166 property or casualty insurance for wildland urban interface property.
- 167 (2)(a) For purposes of rate setting and underwriting for high risk wildland urban

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

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

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

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

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

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

196 (4) In addition to complying with relevant requirements of Section 31A-21-303, if a
197 wildland urban interface property and casualty insurer cancels, nonrenews, or increases
198 the premium by more than 20% of the previous term's premium for property and
199 casualty insurance covering wildland urban interface property, the insurer shall include
200 in the notice of cancellation, nonrenewal, or premium increase the facts on which the
201 wildland urban interface property and casualty insurer's decision is based with

202 reasonable precision.

203 (5) This section does not:

204 (a) create a cause of action for an act or failure to act under this section against:

205 (i) the state;

206 (ii) the department;

207 (iii) the Division of Forestry, Fire, and State Lands;

208 (iv) an officer, consultant, or employee of the department or Division of Forestry,
209 Fire, and State Lands; or

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

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

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

213 **63G-7-201 . Immunity of governmental entities and employees from suit.**

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

217 (2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a
218 governmental entity, its officers, and its employees are immune from suit:

219 (a) as provided in Section 78B-4-517; and

220 (b) for any injury or damage resulting from the implementation of or the failure to
221 implement measures to:

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

225 (ii) investigate and control suspected bioterrorism and disease as set out in Sections
226 26B-7-316 through 26B-7-324;

227 (iii) respond to a national, state, or local emergency, a public health emergency as
228 defined in Section 26B-7-301, or a declaration by the President of the United
229 States or other federal official requesting public health related activities, including
230 the use, provision, operation, and management of:

231 (A) an emergency shelter;

232 (B) housing;

233 (C) a staging place; or

234 (D) a medical facility; and

235 (iv) adopt methods or measures, in accordance with Section 26B-1-202, for health

236 care providers, public health entities, and health care insurers to coordinate among
237 themselves to verify the identity of the individuals they serve.

238 (3)(a) A governmental entity, its officers, and its employees are immune from suit, and
239 immunity is not waived, for any injury if the injury arises out of or in connection
240 with, or results from:

241 (i) a latent dangerous or latent defective condition of:

242 (A) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge,
243 or viaduct; or

244 (B) another structure located on any of the items listed in this Subsection (3)(a)(i);
245 or

246 (ii) a latent dangerous or latent defective condition of any public building, structure,
247 dam, reservoir, or other public improvement.

248 (b)(i) As used in this Subsection (3)(b):

249 (A) "Contaminated land" means the same as that term is defined in Section
250 11-58-102.

251 (B) "Contamination" means the condition of land that results from the placement,
252 disposal, or release of hazardous matter on, in, or under the land, including any
253 seeping or escaping of the hazardous matter from the land.

254 (C) "Damage" means any property damage, personal injury, or other injury or any
255 loss of any kind, however denominated.

256 (D) "Environmentally compliant" means, as applicable, obtaining a certificate of
257 completion from the Department of Environmental Quality under Section
258 19-8-111 following participation in a voluntary cleanup under Title 19, Chapter
259 8, Voluntary Cleanup Program, obtaining an administrative letter from the
260 Department of Environmental Quality for a discrete phase of a voluntary
261 cleanup that is conducted under a remedial action plan as defined in Section
262 11-58-605, or complying with the terms of an environmental covenant, as
263 defined in Section 57-25-102, signed by an agency, as defined in Section
264 57-25-102, and duly recorded in the office of the recorder of the county in
265 which the contaminated land is located.

266 (E) "Government owner" means a governmental entity, including an independent
267 entity, as defined in Section 63E-1-102, that acquires an ownership interest in
268 land that was contaminated land before the governmental entity or independent
269 entity acquired an ownership interest in the land.

- 270 (F) "Hazardous matter" means hazardous materials, as defined in Section 19-6-302,
271 hazardous substances, as defined in Section 19-6-302, or landfill material, as
272 defined in Section 11-58-102.
- 273 (G) "Remediation" means the same as that term is defined in Section 11-58-102.
- 274 (ii)(A) A government owner and the government owner's officers and employees
275 are immune from suit, and immunity is not waived, for any claim for damage
276 that arises out of or in connection with, or results from, contamination of
277 contaminated land.
- 278 (B) A government owner's ownership of contaminated land may not be the basis
279 of a claim against the government owner for damage that arises out of or in
280 connection with, or results from, contamination of contaminated land.
- 281 (iii) Subsection (3)(b)(ii) does not limit or affect:
- 282 (A) the liability of a person that placed, disposed of, or released hazardous matter
283 on, in, or under the land; or
- 284 (B) a worker compensation claim of an employee of an entity that conducts work
285 on or related to contaminated land.
- 286 (iv) Immunity under Subsection (3)(b)(ii)(A) is not affected by a government owner's
287 remediation of contaminated land if the government owner is environmentally
288 compliant.
- 289 (4) A governmental entity, its officers, and its employees are immune from suit, and
290 immunity is not waived, for any injury proximately caused by a negligent act or
291 omission of an employee committed within the scope of employment, if the injury arises
292 out of or in connection with, or results from:
- 293 (a) the exercise or performance, or the failure to exercise or perform, a discretionary
294 function, whether or not the discretion is abused;
- 295 (b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery,
296 false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of
297 process, libel, slander, deceit, interference with contract rights, infliction of mental
298 anguish, or violation of civil rights;
- 299 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue,
300 deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar
301 authorization;
- 302 (d) a failure to make an inspection or making an inadequate or negligent inspection;
- 303 (e) the institution or prosecution of any judicial or administrative proceeding, even if

- 304 malicious or without probable cause;
- 305 (f) a misrepresentation by an employee whether or not the misrepresentation is negligent
306 or intentional;
- 307 (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;
- 308 (h) the collection or assessment of taxes;
- 309 (i) an activity of the Utah National Guard;
- 310 (j) the incarceration of a person in a state prison, county or city jail, or other place of
311 legal confinement;
- 312 (k) a natural condition on publicly owned or controlled land;
- 313 (l) a condition existing in connection with an abandoned mine or mining operation;
- 314 (m) an activity authorized by the School and Institutional Trust Lands Administration or
315 the Division of Forestry, Fire, and State Lands;
- 316 (n) the operation or existence of a trail that is along a water facility, as defined in Section
317 73-1-8, stream, or river, regardless of ownership or operation of the water facility,
318 stream, or river, if:
- 319 (i) the trail is designated under a general plan adopted by a municipality under
320 Section 10-9a-401 or by a county under Section 17-27a-401;
- 321 (ii) the trail right-of-way or the right-of-way where the trail is located is open to
322 public use as evidenced by a written agreement between:
- 323 (A) the owner or operator of the trail right-of-way or of the right-of-way where the
324 trail is located; and
- 325 (B) the municipality or county where the trail is located; and
- 326 (iii) the written agreement:
- 327 (A) contains a plan for operation and maintenance of the trail; and
- 328 (B) provides that an owner or operator of the trail right-of-way or of the
329 right-of-way where the trail is located has, at a minimum, the same level of
330 immunity from suit as the governmental entity in connection with or resulting
331 from the use of the trail;
- 332 (o) research or implementation of cloud management or seeding for the clearing of fog;
- 333 (p) the management of flood waters, earthquakes, or natural disasters;
- 334 (q) the construction, repair, or operation of flood or storm systems;
- 335 (r) the operation of an emergency vehicle, while being driven in accordance with the
336 requirements of Section 41-6a-212;
- 337 (s) the activity of:

- 338 (i) providing emergency medical assistance;
- 339 (ii) fighting fire;
- 340 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;
- 341 (iv) an emergency evacuation;
- 342 (v) transporting or removing an injured person to a place where emergency medical
- 343 assistance can be rendered or where the person can be transported by a licensed
- 344 ambulance service; or
- 345 (vi) intervening during a dam emergency;
- 346 (t) the exercise or performance, or the failure to exercise or perform, any function
- 347 pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water
- 348 Resources;
- 349 (u) an unauthorized access to government records, data, or electronic information
- 350 systems by any person or entity;
- 351 (v) an activity of wildlife, as defined in Section 23A-1-101, that arises during the use of
- 352 a public or private road;
- 353 (w) a communication between employees of one or more law enforcement agencies
- 354 related to the employment, disciplinary history, character, professional competence,
- 355 or physical or mental health of a peace officer, or a former, current, or prospective
- 356 employee of a law enforcement agency, including any communication made in
- 357 accordance with Section 53-14-103; or
- 358 (x) providing or failing to provide information under Section 53-27-102 or Subsection
- 359 41-1a-213(6), (7), or (8), 53-3-207(4), or 53-3-805(5).
- 360 (5) The following are immune from suit, and immunity is not waived for an action or
- 361 failure to act within the scope of duties or employment, if the injury arises out of, in
- 362 connection with, or results from the implementation of Section 17-16-22 to the extent it
- 363 addresses evaluating and classifying high risk wildland urban interface property, Section
- 364 31A-22-1310, or Title 65A, Chapter 8, Part 4, Wildland Urban Interface Property:
- 365 (a) the Division of Forestry, Fire, and State Lands;
- 366 (b) an officer, employee, or consultant of the Division of Forestry, Fire, and State Lands;
- 367 (c) a county;
- 368 (d) a wildland urban interface coordinator, as defined in Section 65A-8-401;
- 369 (e) the Insurance Department; or
- 370 (f) an officer, employee, or consultant of the Insurance Department.

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

372 **65A-8-203 . Cooperative fire protection agreements with eligible entities.**

373 (1) As used in this section:

374 (a) "Eligible entity" means:

375 (i) a county, a municipality, or a special service district, special district, or service
376 area with:

377 (A) wildland fire suppression responsibility as described in Section 11-7-1; and

378 (B) wildland fire suppression cost responsibility and taxing authority for a specific
379 geographic jurisdiction; or380 (ii) upon approval by the director, a political subdivision established by a county,
381 municipality, special service district, special district, or service area that is
382 responsible for:

383 (A) providing wildland fire suppression services; and

384 (B) paying for the cost of wildland fire suppression services.

385 (b) "Fire service provider" means a public or private entity that fulfills the duties of
386 Subsection 11-7-1(1).387 (2)(a) The governing body of any eligible entity may enter into a cooperative agreement
388 with the division to receive financial and wildfire management cooperation and
389 assistance from the division, as described in this part.390 (b) A cooperative agreement shall last for a term of no more than five years and be
391 renewable if the eligible entity continues to meet the requirements of this chapter.392 (3)(a) The state shall assume an eligible entity's cost of suppressing catastrophic
393 wildfire as defined in the cooperative agreement if the eligible entity has entered into,
394 and is in full compliance with, a cooperative agreement with the division, as
395 described in this section.396 (b) A county or municipality that is not covered by a cooperative agreement with the
397 division, as described in this section, shall be responsible for wildland fire costs
398 within the county or municipality's jurisdiction, as described in Section 65A-8-203.2.

399 (4) To enter into a cooperative agreement with the division, the eligible entity shall:

400 ~~[(a) if the eligible entity is a county, adopt and enforce on unincorporated land a~~
401 ~~wildland fire ordinance based upon minimum standards established by the division or~~
402 ~~Uniform Building Code Commission;]~~403 [(b)] (a) require that the fire department or equivalent fire service provider under contract
404 with, or delegated by, the eligible entity on unincorporated land meet minimum
405 standards for wildland fire training, certification, and suppression equipment based

- 406 upon nationally accepted standards as specified by the division;
- 407 [(e)] (b) invest in prevention, preparedness, and mitigation efforts, as agreed to with the
- 408 division, that will reduce the eligible entity's risk of catastrophic wildfire;
- 409 [(d)] (c)(i) file with the division an annual accounting of wildfire prevention,
- 410 preparedness, mitigation actions, and associated costs;
- 411 (ii) meet the eligible entity's participation commitment by making direct payments
- 412 to the division; or
- 413 (iii) do a combination of Subsections [(4)(d)(i) and (ii)] (4)(c)(i) and (ii);
- 414 [(e)] (d) return the financial statement described in Subsection (6), signed by the chief
- 415 executive of the eligible entity, to the division on or before the date set by the
- 416 division; [and]
- 417 [(f)] (e) if the eligible entity is a county, have a designated fire warden as described in
- 418 Section 65A-8-209.1[-] ;
- 419 (f) subject to Subsection (9), adopt and enforce the wildland urban interface building
- 420 standards, as defined in Section 65A-8-401, if the eligible entity is a:
- 421 (i) county for purposes of an unincorporated area within the county; or
- 422 (ii) municipality for an incorporated area within a county; and
- 423 (g) if the eligible entity is a county, comply with Section 17-16-22.
- 424 (5)(a) The state forester may execute a cooperative agreement with the eligible entity.
- 425 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 426 Administrative Rulemaking Act, governing the:
- 427 (i) cooperative agreements described in this section;
- 428 (ii) manner in which an eligible entity shall provide proof of compliance with
- 429 Subsection (4);
- 430 (iii) manner by which the division may revoke a cooperative agreement if an eligible
- 431 entity ceases to meet the requirements described in this section;
- 432 (iv) accounting system for determining suppression costs;
- 433 (v) manner in which the division shall determine the eligible entity's participation
- 434 commitment; and
- 435 (vi) manner in which an eligible entity may appeal a division determination.
- 436 (6)(a) The division shall send a financial statement to each eligible entity participating
- 437 in a cooperative agreement that details the eligible entity's participation commitment
- 438 for the coming fiscal year, including the prevention, preparedness, and mitigation
- 439 actions agreed to under Subsection (4)[(e)] (b).

- 440 (b) Each eligible entity participating in a cooperative agreement shall:
- 441 (i) have the chief executive of the eligible entity sign the financial statement, or the
- 442 legislative body of the eligible entity approve the financial statement by
- 443 resolution, confirming the eligible entity's participation for the upcoming year; and
- 444 (ii) return the financial statement to the division, on or before a date set by the
- 445 division.
- 446 (c) A financial statement shall be effective for one calendar year, beginning on the date
- 447 set by the division, as described in Subsection (6)(b).
- 448 (7)(a) An eligible entity may revoke a cooperative agreement before the end of the
- 449 cooperative agreement's term by:
- 450 (i) informing the division, in writing, of the eligible entity's intention to revoke the
- 451 cooperative agreement; or
- 452 (ii) failing to sign and return its annual financial statement, as described in
- 453 Subsection (6)(b), unless the director grants an extension.
- 454 (b) An eligible entity may not revoke a cooperative agreement before the end of the term
- 455 of a signed annual financial statement, as described in Subsection (6)(c).
- 456 (8)(a) The division shall develop and maintain a wildfire risk assessment mapping tool
- 457 that is online and publicly accessible.
- 458 (b)[(†)] The division shall analyze [~~adding an additional high-risk category~~] and
- 459 establish by rule, made in accordance with Title 63G, Chapter 3, Utah
- 460 Administrative Rulemaking Act, boundaries for high risk wildland urban interface
- 461 property and what constitutes wildland urban interface property that is not high
- 462 risk within the wildfire risk assessment mapping tool described in Subsection
- 463 (8)(a):
- 464 [(A)] (i) using a scientific assessment; and
- 465 [(B)] (ii) that is focused on the risk to dwellings within the wildland[-] urban interface
- 466 area.
- 467 [(ii) The division shall report the results of the division's analysis under this
- 468 Subsection (8)(b) to the Natural Resources, Agriculture, and Environment Interim
- 469 Committee by no later than the 2024 November interim meeting of that committee.]
- 470 (c) With regard to the categories used within the wildfire risk assessment mapping tool
- 471 described in Subsection (8)(a), the division may adjust the assessment for
- 472 participation commitments if the adjustment is based on the Consumer Price Index
- 473 for All Urban Consumers as published by the Bureau of Labor Statistics of the

474 United States Department of Labor, in accordance with a formula established by the
 475 division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
 476 Rulemaking Act.

477 (9)(a) If the state under Section 15A-2-103 adopts an edition of the Utah Wildland
 478 Urban Interface Code, issued by the International Code Council, with the alternatives
 479 or amendments approved by the division, as a wildland urban interface building
 480 standard that may be adopted by a local compliance agency:

481 (i) for purposes of an unincorporated area within a county, the county shall adopt and
 482 enforce the wildland urban interface building standard described in this
 483 Subsection (9)(a); and

484 (ii) for purposes of an incorporated area within a county, the relevant municipality
 485 shall adopt and enforce the wildland urban interface building standard described
 486 in this Subsection (9)(a).

487 (b) If a county or municipality fails to comply with Subsections (4)(f) and (9)(a), the
 488 division may choose to not pay costs of the county or municipality under a
 489 cooperative agreement executed under this section.

490 (c)(i) If the state adopts a different wildland urban interface building standard than
 491 was previously adopted under Section 15A-2-103, a county or municipality has
 492 two years from the date the state adopts the different wildland urban interface
 493 building standard to adopt the appropriate wildland urban interface building
 494 standard.

495 (ii) If a county or municipality fails to adopt the appropriate wildland urban interface
 496 building standard within the time period described in Subsection (9)(c)(i), the
 497 division may choose to not pay costs of the county or municipality under a
 498 cooperative agreement executed under this section beginning two years from the
 499 day on which the state adopts the different wildland urban interface building
 500 standard and until such time as the county or municipality adopts the appropriate
 501 wildland urban interface building standard.

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

503 **65A-8-215 . Wildland-urban interface fire prevention, preparedness, and**
 504 **mitigation.**

505 (1) As used in this section:

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

- 508 (b) "Suppression fund" means the Wildland Fire Suppression Fund created in Section
509 65A-8-204.
- 510 (c) "Wildland-urban interface" means the zone where structures and other human
511 development meets, or intermingles with, undeveloped wildland.
- 512 (2)(a) There is created an expendable special revenue fund known as the
513 "Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund."
- 514 (b) The prevention, preparedness, and mitigation fund shall consist of:
- 515 (i) interest and earnings from the investment of money from the prevention,
516 preparedness, and mitigation fund;
- 517 (ii) money received as direct payment from cooperative wildfire system participation
518 commitments;
- 519 (iii) money appropriated by the Legislature; [~~and~~]
- 520 (iv) money transferred to the prevention, preparedness, and mitigation fund under
521 Section 63J-1-314[-] ; and
- 522 (v) fees deposited into the prevention, preparedness, and mitigation fund under
523 Section 17-16-22.
- 524 (c) The division shall administer the prevention, preparedness, and mitigation fund to:
- 525 (i) pay costs of prevention and preparedness efforts on wildland-urban interface
526 within the state, as defined by the division by rule made in accordance with Title
527 63G, Chapter 3, Utah Administrative Rulemaking Act, including costs of an
528 eligible entity that has entered into a cooperative agreement, as described in
529 Section 65A-8-203;
- 530 (ii) issue fire department assistance grants, which in the aggregate may not exceed
531 10% of the money in the prevention, preparedness, and mitigation fund each fiscal
532 year; and
- 533 (iii) in cases of catastrophic need as determined by the state forester, pay costs that
534 could be paid from the suppression fund under Section 65A-8-204.
- 535 (d) Disbursements from the prevention, preparedness, and mitigation fund may only be
536 made upon written order of the state forester or the state forester's authorized
537 representative.
- 538 (3)(a) The division may by rule, made in accordance with Title 63G, Chapter 3, Utah
539 Administrative Rulemaking Act, establish criteria for community wildfire
540 preparedness plans addressing wildland-urban interface. The criteria shall require
541 action that is:

- 542 (i) qualitative and quantitative; and
 543 (ii) leads to reduced wildfire risk.
 544 (b) An eligible entity, as defined in Section 65A-8-203, shall agree to implement
 545 prevention, preparedness, and mitigation actions identified in a community wildfire
 546 preparedness plan addressing wildland-urban interface that is approved by the
 547 division.

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

549

Part 4. Wildland Urban Interface Property

65A-8-401 . Definitions.

550 As used in this section:

- 551
 552 (1) "High risk wildland urban interface property" means property located within the
 553 boundary of high risk wildland urban interface as designated by the wildfire risk
 554 assessment tool in Subsection 65A-8-203(8)(a) and defined by rule made in accordance
 555 with Subsection 65A-8-402(5)(a).
 556 (2) "Third classification" means the classification under the triage scale that indicates the
 557 greatest risk of wildfire.
 558 (3) "Triage scale" means a scale with three classifications adopted by the division to
 559 evaluate and classify property located within the wildland urban interface as to what
 560 actions are needed to prepare the property for fire.
 561 (4) "Wildland urban interface" means the same as that term is defined in Section
 562 65A-8a-102.
 563 (5) "Wildland urban interface building standards" means the edition of the Utah Wildland
 564 Urban Interface Code adopted under Section 15A-2-103.
 565 (6) "Wildland urban interface coordinator" means a representative of the division or a
 566 county who evaluates and classifies wildland urban interface property in accordance
 567 with Section 65A-8-402.
 568 (7) "Wildland urban interface property and casualty insurer" means the same as that term is
 569 defined in Section 31A-22-1310.

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

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

- 571
 572
 573 (1)(a) The division shall establish a program under which a wildland urban interface
 574 coordinator evaluates and classifies high risk wildland urban interface property using

- 575 a triage scale.
- 576 (b) The wildland urban interface coordinator shall be:
- 577 (i) a representative of the division; or
- 578 (ii) if the evaluation and classification is assigned to a county, a representative of the
- 579 county.
- 580 (c) By the beginning of each calendar year, the division shall determine whether to
- 581 assign evaluation and classification under this section of high risk wildland urban
- 582 interface property to a county.
- 583 (2) After completing the evaluation and classification under this section, the wildland urban
- 584 interface coordinator shall inform a property owner of property described in Subsection
- 585 (1)(a) of:
- 586 (a) the classification assigned to the property described in Subsection (1)(a) under the
- 587 triage scale; and
- 588 (b) if the classification assigned to the property described in Subsection (1)(a) is the
- 589 third classification:
- 590 (i) the fee the property owner shall pay under Section 17-16-22; and
- 591 (ii) resources from the division or county that the property owner may access to bring
- 592 the property described in Subsection (1)(a) to the first or second classification by
- 593 applying wildland urban interface building standards.
- 594 (3) As part of the program established under this section, the division:
- 595 (a) may provide resources to a property owner described in Subsection (2)(b) to
- 596 facilitate the property owner bringing the property described in Subsection (1)(a) to
- 597 the first or second classification under the triage scale; and
- 598 (b) shall develop and maintain a database that may be accessed by a wildland urban
- 599 interface property and casualty insurer to learn the classification under the triage
- 600 scale for any portion of high risk wildland urban interface property to be covered by
- 601 the wildland urban interface property and casualty insurer.
- 602 (4) The division shall annually set a flat fee amount to pay for the costs associated with the
- 603 implementation of this part to be assessed and collected by a county in accordance with
- 604 Section 17-16-22.
- 605 (5) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
- 606 Administrative Rulemaking Act, to:
- 607 (a) define high risk wildland urban interface property and wildland urban interface
- 608 property that is not high risk as provided in Subsection 65A-8-203(8)(b);

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

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

620 **65A-8-403 . Liability.**

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

625 Section 10. **Effective Date.**

626 This bill takes effect on May 7, 2025.