

# H.B. 466

## WILDLAND FIRE LIABILITY AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 3

FEBRUARY 28, 2018 2:27 PM

Representative **Michael K. McKell** proposes the following amendments:

1. *Page 1, Lines 12 through 18:*

- 12           ▶       states that a person who negligently, recklessly, or intentionally causes a wildland  
13 fire shall be liable for damages and the cost of suppressing the fire;
- 14           ▶       states that a person that negligently, recklessly, or intentionally causes a wildland fire  
                  through the operation, maintenance,  
15 or use of any instrumentality of the person's shall be liable for all damages resulting  
16 from the wildland fire;
- 17           ▶       states that a person or a property owner who suffers damage from a wildland fire may bring  
                  an  
18 action to recover damages, costs, and reasonable attorney fees;

2. *Page 2, Lines 41 through 49:*

- 41           (2) (a) The conduct described in Subsection (1) includes any negligent, reckless, or  
42 intentional conduct, and is not limited to conduct described in Section 65A-3-2.
- 43           (b) Notwithstanding ~~{Subsection (1) or (2)(a) or }~~ any provision of Title 63G, Chapter 7,  
44 Governmental Immunity Act of Utah, when a person negligently, recklessly, or intentionally causes a  
wildland fire through the  
45 operation, maintenance, or use of any instrumentality of the person, the person shall be liable  
46 for all damages resulting from the wildland fire, including the cost of suppression.
- 47           (3) (a) ~~[A person who incurs]~~ A person or a property owner who suffers damage from a wildland  
48 fire, including incurring costs to suppress a wildland fire, may bring an action under this section to  
49 recover ~~[those costs]~~ damages resulting from the fire and attorney fees.