

Enrolled House Bill 2571

Sponsored by Representative MARSH, Senator DEMBROW, Representative OWENS; Representatives HELM, KROPF, MEEK, REARDON, SMITH DB, Senators FREDERICK, GOLDEN (Pre-session filed.)

CHAPTER

AN ACT

Relating to liability for prescribed fires; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The Department of Consumer and Business Services, in consultation with the State Forestry Department, the Oregon Forest and Industries Council, the Oregon Small Woodlands Association, Oregon State University, the Oregon Prescribed Fire Council and a representative of the insurance industry, shall study liability for prescribed fires. The study shall examine:

(a) The accessibility of insurance coverage for prescribed fires, including insurance premium costs, the number of companies that offer the coverage and whether companies that offer the coverage impose minimum equipment requirements;

(b) Any barriers to increasing the accessibility of insurance coverage for prescribed fires, including whether a liability standard of negligence or gross negligence for prescribed fires makes the coverage more or less affordable;

(c) How often escaped prescribed fires occur, how many acres escaped prescribed fires consume, costs associated with suppressing escaped prescribed fires, costs associated with property damage caused by escaped prescribed fires and how states pay for suppression of escaped prescribed fires; and

(d) Which states have adopted liability standards of negligence and gross negligence for prescribed fires and whether states that have shifted a liability standard from negligence to gross negligence have subsequently observed differences in numbers of prescribed fires conducted, of acres burned in prescribed fires or of escaped prescribed fires.

(2) The Department of Consumer and Business Services shall report to an appropriate committee or interim committee of the Legislative Assembly on the results of the study no later than July 1, 2022.

(3) All agencies of state government, as defined in ORS 174.111, shall:

(a) Assist the department in complying with the requirements of subsection (1) of this section; and

(b) Upon request by the department, and to the extent permitted by laws related to confidentiality, provide information and advice to the department that the department deems necessary to comply with the requirements of subsection (1) of this section.

SECTION 2. Section 1 of this 2021 Act is repealed on January 2, 2023.

SECTION 3. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by House April 16, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 28, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2021

Approved:

.....M,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2021

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Shemia Fagan, Secretary of State