

SB 290 A STAFF MEASURE SUMMARY

Carrier: Sen. Hansell

Senate Committee On Judiciary

Action Date: 04/01/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: No fiscal impact

Revenue: No revenue impact

Prepared By: Channa Newell, Counsel

Meeting Dates: 3/26, 4/1

WHAT THE MEASURE DOES:

Provides civil liability protection for injuries to person or property arising from person's voluntary efforts to fight wildfire. Defines wildfire as fire burning uncontrolled on private cropland, rangeland, or agricultural land. Specifies liability protection begins when person arrives at the fire scene or staging area and ends when person departs scene or area. Exempts members of volunteer fire department or fire district who have been trained in firefighting techniques from civil liability protection. Exempts operation of motor vehicle from civil liability protection.

ISSUES DISCUSSED:

- First responders to fire on range or cropland often neighbors or community members
- Examples of fires and need for volunteer assistance
- Desire to protect volunteers from liability for good acts
- Effect of amendment

EFFECT OF AMENDMENT:

Removes wildfire burning on forestland from measure. Begins liability protection when person arrives on the fire scene or staging area and ends when person departs fire scene or staging area. Excludes member of a volunteer fire department or district who has been trained in firefighting, or operation of a motor vehicle from civil liability protection.

BACKGROUND:

In the 2018 fire season, the Oregon Department of Forestry reports there were 1,055 wildfires, with 219 fires caused by lightning and 836 caused by human activity; over 75,000 acres burned. Response to wildfires may include state employees, local firefighters, contracted wildfire crews, and local responders.

Senate Bill 290 A extends civil liability protection for injuries to person or property that arise from an individual's voluntary efforts to fight wildfire.