

A-Engrossed
House Bill 2571

Ordered by the House April 13
Including House Amendments dated April 13

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Directs Department of Consumer and Business Services, in consultation with State Forestry Department, **Oregon Forest and Industries Council, Oregon Small Woodlands Association, Oregon State University, [and] Oregon Prescribed Fire Council and representative of insurance industry**, to study liability for prescribed fires. Requires Department of Consumer and Business Services to report to appropriate committee or interim committee of Legislative Assembly on results of study no later than July 1, 2022.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to liability for prescribed fires; and prescribing an effective date.

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

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

9 (a) **The accessibility of insurance coverage for prescribed fires, including insurance pre-**
10 **mium costs, the number of companies that offer the coverage and whether companies that**
11 **offer the coverage impose minimum equipment requirements;**

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

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

19 (d) **Which states have adopted liability standards of negligence and gross negligence for**
20 **prescribed fires and whether states that have shifted a liability standard from negligence to**
21 **gross negligence have subsequently observed differences in numbers of prescribed fires con-**
22 **ducted, of acres burned in prescribed fires or of escaped prescribed fires.**

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

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

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

10