

SB 863 A STAFF MEASURE SUMMARY

Joint Committee On Ways and Means

Prepared By: Katie Bannikov, Budget Analyst

Meeting Dates: 6/4, 6/6

WHAT THE MEASURE DOES:

The measure establishes a process for the Oregon State Fire Marshal to recover fire suppression costs from a person who is willful, malicious, or negligent in the origin or subsequent spread of a fire.

Detailed Summary:

- Defines actual cost as costs incurred or payments made by the Department of the State Fire Marshal (DSFM) in controlling or extinguishing a fire.
- Authorizes DSFM to recover costs from a person who is willful, malicious, or negligent in the origin or spread of a fire, requiring DSFM to mail a written demand with a 90-day deadline for payment.
- Authorizes DSFM to charge interest at a rate of 10 percent per year and to recover actual costs of fire and interest by action prosecuted by the state if the respondent is noncompliant.
- At the discretion of DSFM, the actual cost of the fire may constitute a general lien against the real and personal property of the person.
- Requires that a general lien notice from DSFM to be certified under oath and filed within 12 months after the fire occurred and list the property that may be foreclosed upon.
- At the request of DSFM, requires the Attorney General to prosecute an action to recover actual fire costs or foreclose a lien and to assist in investigating liability and to issue subpoenas.
- Allows DSFM to petition a circuit court if a person fails to comply with a subpoena during an investigation into actual fire suppression costs to order the person to explain why they haven't followed the subpoena and why they shouldn't be held in contempt of court.
- Requires DSFM to serve the individual with a document initiating the contempt action and directs the court to compel the person to obey the subpoena through contempt proceedings if good cause is not shown why the person failed to comply.
- Authorizes Deputy State Fire Marshal, under instruction from the State Fire Marshal to secure scenes, restrict access, and preserve evidence.

ISSUES DISCUSSED:

- The fiscal impact of the measure

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The Department of the State Fire Marshal's (DSFM) Fire & Life Safety Division specializes in code enforcement, fire investigations, building inspections, and providing expert training to local fire stations. Deputy State Fire Marshals are able to investigate fires to determine origin and cause if the fire was caused by carelessness or design. Currently, DSFM does not conduct criminal investigations, but does collaborate with law enforcement when criminal activity is suspected.