

HB 4445 S

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



# ENROLLED

## House Bill No. 4445

(By Mr. Speaker, (Mr. Kiss), and Delegates Cann,  
Stemple, Pethel, Swartzmiller and H. K. White)



Passed March 10, 2006

In Effect Ninety Days from Passage

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**E N R O L L E D**

## **H. B. 4445**

(BY MR. SPEAKER, (MR. KISS), AND DELEGATES CANN,  
STEMPLE, PETHTEL, SWARTZMILLER AND H. K. WHITE)

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[Passed March 10, 2006; in effect ninety days from passage.]

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AN ACT to amend and reenact §20-3-11 of the Code of West Virginia, 1931, as amended, relating to permitting the Director of the Division of Forestry to recover costs incurred in fighting fires.

*Be it enacted by the Legislature of West Virginia:*

That §20-3-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 3. FORESTS AND WILDLIFE AREAS.**

**§20-3-11. Recovery of costs incurred in fighting fires; landowners responsibility to extinguish fires.**

1       The Director of the Division of Forestry shall, in the name  
2 of the state, recover from the person or persons, firms or  
3 corporations whose negligence or whose violation of any  
4 provision of this article caused any fire at any time on grass or  
5 forest land, the amount expended by the state for the personal  
6 services of persons especially employed under the provisions of

7 section four of this article to control, confine, extinguish or  
8 suppress such fire, and the costs associated therewith, including  
9 payment for the personal services rendered by full-time State  
10 Division of Forestry employees, operating costs of state  
11 equipment used and costs related thereto in controlling,  
12 confining, extinguishing or suppressing such fire. Such recov-  
13 ery shall not bar an action for damages by any other person.

14 Any such fire which was caused by a trespasser or by a  
15 person who was upon the property without the consent of the  
16 owner shall not be deemed caused by the negligence of the  
17 owner; but the owner shall use all practical means to confine,  
18 extinguish or suppress any such fire on his land even though it  
19 was caused by any such person. If he fails to do so, after  
20 becoming aware of such fire, the Director of the Division of  
21 Forestry shall, in the name of the state, recover from him  
22 amounts expended by the state for the personal services of  
23 persons especially employed under the provisions of section  
24 four of this article to control, confine, extinguish or suppress  
25 such fire and the costs associated therewith, including payment  
26 for the personal services rendered by full-time State Division of  
27 Forestry employees, operating costs of state equipment used  
28 and costs related thereto in controlling, confining, extinguishing  
29 or suppressing such fire.

30 Any time that a landowner, his or her agent or employee is  
31 aware of a fire on the landowner's property, the landowner shall  
32 use all practical means to confine, extinguish or suppress the  
33 fire.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chancy White  
Chairman Senate Committee

R. Bruner  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Parred Holmes  
Clerk of the Senate

Bugs M. Suf  
Clerk of the House of Delegates

Carl Ray Tomblin  
President of the Senate

Robert A. ...  
Speaker of the House of Delegates

The within is approved this the 4<sup>th</sup>  
day of April, 2006.

[Signature]  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 22 2006

Time 3:55