WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 548

(By Mr. Butcher)

PASSED FEBRUARY 26, 1972

In Effect FROM Passage
AN ACT to amend and reenact section eleven, article three, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to recovery of costs incurred in fighting fires.

Be it enacted by the Legislature of West Virginia:

That section eleven, article three, chapter twenty of the code of West Virginia, one thousand nine hundred thirty-one, 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.

1 The director shall, in the name of the state, recover from the persons, firms or corporations whose negligence or whose violation of any provision of this article caused any fire at any time on grass or forest land, the amount expended by the state for the personal services of persons especially employed under the provisions of section four of this article to control, confine, extinguish or suppress such fire, and the costs associated therewith, but such recovered amounts shall not include payment for the personal services rendered by fulltime state law enforcement or forestry employees nor costs of state equipment and costs related thereto in controlling, confining, extinguishing or suppressing such fire. Such recovery shall not bar an action for damages by any other person.
Any such fire which was caused by a trespasser or by a person who was upon the property without the consent of the owner shall not be deemed caused by the negligence of the owner; but the owner shall use all practical means to confine, extinguish or suppress any such fire on his land even though it was caused by any such person. If he fails to do so, after becoming aware of such fire, the director shall, in the name of the state, recover from him amounts expended by the state for the personal services of persons especially employed under the provisions of section four of this article to control, confine, extinguish or suppress such fire and the costs associated therewith, but such recovered amounts shall not include payment for the personal services rendered by fulltime state law enforcement or forestry employees nor costs of state equipment used and costs related thereto in controlling, confining, extinguishing or suppressing such fire.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within bill has been Approved this the 6th day of March, 1972.

Governor