

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 548

(By Mr. BUTCHER)

PASSED FEBRUARY 26, 1972

In Effect FROM Passage



FILED IN THE OFFICE  
OF THE SECRETARY OF STATE  
THIS DATE 3-6-72

548

**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  
2 from the persons, firms or corporations whose negligence  
3 or whose violation of any provision of this article caused  
4 any fire at any time on grass or forest land, the amount  
5 expended by the state for the personal services of per-  
6 sons especially employed under the provisions of section  
7 four of this article to control, confine, extinguish or sup-  
8 press such fire, and the costs associated therewith, but  
9 such recovered amounts shall not include payment for  
10 the personal services rendered by fulltime state law en-  
11 forcement or forestry employees nor costs of state equip-  
12 ment and costs related thereto in controlling, confining,  
13 extinguishing or suppressing such fire. Such recovery  
14 shall not bar an action for damages by any other person.

15 Any such fire which was caused by a trespasser or by  
16 a person who was upon the property without the con-  
17 sent of the owner shall not be deemed caused by the  
18 negligence of the owner; but the owner shall use all  
19 practical means to confine, extinguish or suppress any  
20 such fire on his land even though it was caused by any  
21 such person. If he fails to do so, after becoming aware  
22 of such fire, the director shall, in the name of the state,  
23 recover from him amounts expended by the state for the  
24 personal services of persons especially employed under the  
25 provisions of section four of this article to control, con-  
26 fine, extinguish or suppress such fire and the costs asso-  
27 ciated therewith, but such recovered amounts shall not  
28 include payment for the personal services rendered by  
29 fulltime state law enforcement or forestry employees nor  
30 costs of state equipment used and costs related thereto in  
31 controlling, confining, extinguishing or suppressing such  
32 fire.

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

*Fussell M. Beall*  
Chairman Senate Committee

*Phyllis Rutledge*  
Chairman House Committee

Originated in the House.

Takes effect from passage.

*Howard Roberson*  
Clerk of the Senate

*A. Blankenship*  
Clerk of the House of Delegates

*E. Harbort*  
President of the Senate

*Lewis N. McMane*  
Speaker House of Delegates

The within *Approved* this the *6th*  
day of *March*, 1972.

*Arch A. Shaver, Jr.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/1/72

Time 9:12 a.m.

MAR 6 4 15 PM '72

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA