WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2006

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ENROLLED

House Bill No. 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
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.

The Director of the Division of Forestry shall, in the name of the state, recover from the person or 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, including
payment for the personal services rendered by full-time State
Division of Forestry employees, operating costs of state
equipment used and costs related thereto in controlling,
confining, extinguishing or suppressing such fire. Such recov-
ery 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 of the Division of
Forestry 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, including payment
for the personal services rendered by full-time State Division of
Forestry employees, operating costs of state equipment used
and costs related thereto in controlling, confining, extinguishing
or suppressing such fire.

Any time that a landowner, his or her agent or employee is
aware of a fire on the landowner’s property, the landowner shall
use all practical means to confine, extinguish or suppress the
fire.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 4th day of April, 2006.

Governor
PRESENTED TO THE GOVERNOR

MAR 22 2006

Time 3:58 pm