

088737316

## SENATE BILL NO. 679

Senate Amendments in [ ] — February 6, 2008

A *BILL to amend and reenact § 10.1-1141 of the Code of Virginia, relating to recovery of fire fighting costs by localities; volunteer fire or rescue.*

Patrons Prior to Engrossment—Senator Reynolds; Delegate: Armstrong

Referred to Committee on Agriculture, Conservation and Natural Resources

**Be it enacted by the General Assembly of Virginia:****1. That § 10.1-1141 of the Code of Virginia is amended and reenacted as follows:**

§ 10.1-1141. Liability and recovery of cost of fighting forest fires.

The State Forester in the name of the Commonwealth shall collect the costs of fire fighting performed under the direction of a forest warden in accordance with § 10.1-1139 from any person who, negligently or intentionally without using reasonable care and precaution starts a fire or who negligently or intentionally fails to prevent its escape, which fire burns on any forestland, brushland, grassland or wasteland. Such person shall be liable for the full amount of all expenses incurred by the Commonwealth, *a locality, or by any volunteer fire or rescue squad, or by any combination of the foregoing*, for fighting or extinguishing such fire. All [ *Department of Forestry*] expenses collected shall be credited to the Forestry Operations Fund, *and those expenses recovered on behalf of a locality shall be paid to the locality, and those expenses recovered on behalf of a volunteer fire or rescue squad shall be paid to the volunteer fire or rescue squad.* It shall be the duty of the Commonwealth's attorneys to institute and prosecute proper proceedings under this section, at the instance of the State Forester.

The State Forester may institute an action and recover from either one or both parents of any minor, living with such parents or either of them, the cost of forest fire suppression suffered by reason of the willful or malicious destruction of, or damage to, public or private property by such minor. No more than \$750 may be recovered from such parents or either of them as a result of any forest fire incident or occurrence on which such action is based.

ENGROSSED

SB679E