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SENATE BILL NO. 679

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 29, 2008)

(Patron Prior to Substitute—Senator Reynolds)

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.

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 by localities and the State Forester.

A. 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, for fighting or extinguishing such fire. All expenses collected shall be credited to the Forestry Operations Fund. 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.

B. Any locality may collect the costs of fire fighting from any person who intentionally starts a fire and who fails to attempt 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 locality and any volunteer fire or rescue squad to fight or extinguish the fire and the reasonable administrative costs expended to collect such expenses. The locality shall remit any costs recovered on behalf of another entity to such entity.

C. The State Forester or a locality 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.