

**Introduced by Senator Fuller**

February 27, 2015

---

An act to amend Section 13009 of the Health and Safety Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 663, as introduced, Fuller. Liability for fires.

Under existing law, a person who commits certain acts, including, among others, negligently setting a fire that escapes onto any public or private property or failing to correct a fire hazard prohibited by law, is liable for the costs incurred in fighting the fire and the cost of providing rescue or emergency medical services.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 13009 of the Health and Safety Code is
- 2 amended to read:
- 3 13009. (a) Any person (1) who negligently, or in violation of
- 4 the law, sets a fire, allows a fire to be set, or allows a fire kindled
- 5 or attended by him or her to escape onto any public or private
- 6 property, (2) other than a mortgagee, who, being in actual
- 7 possession of a structure, fails or refuses to correct, within the time
- 8 allotted for correction, despite having the right to do so, a fire
- 9 hazard prohibited by law, for which a public agency properly has
- 10 issued a notice of violation respecting the hazard, or (3) including

1 a mortgagee, who, having an obligation under other provisions of  
2 law to correct a fire hazard prohibited by law, for which a public  
3 agency has properly issued a notice of violation respecting the  
4 hazard, fails or refuses to correct the hazard within the time allotted  
5 for correction, despite having the right to do so, is liable for the  
6 fire suppression costs incurred in fighting the fire and for the cost  
7 of providing rescue or emergency medical services, and those costs  
8 shall be a charge against that person. The charge shall constitute  
9 a debt of that person, and is collectible by ~~the person,~~ *person* or  
10 ~~by the federal, state, county, public, or private agency,~~ *incurring*  
11 *that incurred* those costs in the same manner as ~~in the case of an~~  
12 obligation under a contract, expressed or implied.

13 (b) Public agencies participating in fire suppression, rescue, or  
14 emergency medical ~~services~~ *services*, as set forth in subdivision  
15 (a), may designate one or more of the participating agencies to  
16 bring an action to recover costs incurred by all of the participating  
17 agencies. An agency designated by the other participating agencies  
18 to bring an action pursuant to this section shall declare that  
19 authorization and its basis in the complaint, and shall itemize in  
20 the complaint the total amounts claimed under this section by each  
21 represented agency.

22 (c) Any costs incurred by the Department of Forestry and Fire  
23 Protection in suppressing any wildland fire originating or spreading  
24 from a prescribed burning operation conducted by the department  
25 pursuant to a contract entered into pursuant to Article 2  
26 (commencing with Section 4475) of Chapter 7 of Part 2 of Division  
27 4 of the Public Resources Code shall not be collectible from any  
28 party to the contract, including any private consultant or contractor  
29 who entered into an agreement with that party pursuant to  
30 subdivision (d) of Section 4475.5 of the Public Resources Code,  
31 as provided in subdivision (a), to the extent that those costs were  
32 not incurred as a result of a violation of any provision of the  
33 contract.

34 (d) This section applies to all areas of the state, regardless of  
35 whether primarily wildlands, sparsely developed, or urban.