

James A. Dunnigan proposes the following substitute bill:

Wildland Urban Interface Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor:

LONG TITLE

General Description:

This bill addresses efforts to oversee wildfire risks associated with wildland urban interface property.

Highlighted Provisions:

This bill:

- defines terms;
- requires counties to take certain actions related to wildland urban interface property, including assessing a fee;
- directs the fee to be retained by a county or deposited into the Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund;
- addresses insuring wildland urban interface property;
- imposes notice requirements related to insuring wildland urban interface property;
- requires counties and municipalities to adopt the wildland urban interface building code standards;
- permits the Division of Forestry, Fire, and State Lands (division) to choose not to cover costs of local governments under certain circumstances;
- directs the division to establish a program for wildland urban interface coordinators to evaluate, using a triage scale, high risk wildland urban interface property;
- addresses actions related to evaluating the high risk wildland urban interface property;
- provides for a database to be accessed by certain insurers related to evaluating high risk wildland urban interface property;
- authorizes rulemaking;
- addresses liability; and
- makes technical changes.

Money Appropriated in this Bill:

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **15A-5-203**, as last amended by Laws of Utah 2024, Chapters 21, 381

35 **63G-7-201**, as last amended by Laws of Utah 2023, Chapters 34, 105, 259, 329, 452, and
36 456

37 **65A-8-203**, as last amended by Laws of Utah 2024, Chapter 77

38 **65A-8-215**, as last amended by Laws of Utah 2024, Chapter 77

39 ENACTS:

40 **17-16-22**, Utah Code Annotated 1953

41 **31A-22-1310**, Utah Code Annotated 1953

42 **65A-8-401**, Utah Code Annotated 1953

43 **65A-8-402**, Utah Code Annotated 1953

44 **65A-8-403**, Utah Code Annotated 1953

45

46 *Be it enacted by the Legislature of the state of Utah:*

47 Section 1. Section **15A-5-203** is amended to read:

48 **15A-5-203 . Amendments and additions to IFC related to fire safety, building,**
49 **and site requirements.**

50 (1) For IFC, Chapter 5, Fire Service Features:

51 (a) In IFC, Chapter 5, a new Section 501.5, Access grade and fire flow, is added as
52 follows: "An authority having jurisdiction over a structure built in accordance with
53 the requirements of the International Residential Code as adopted in the State
54 Construction Code, may require an automatic fire sprinkler system for the structure
55 only by ordinance and only if any of the following conditions exist:

56 (i) the structure:

57 (A) is located in an urban-wildland interface area as provided in the Utah
58 Wildland Urban Interface Code adopted as a construction code under the State
59 Construction Code; and

60 (B) does not meet the requirements described in Utah Code, Subsection 65A-8-203
61 (4)[(a)] (f) and Utah Administrative Code, R652-122-1300, Minimum
62 Standards for County Wildland Fire Ordinance;

- 63 (ii) the structure is in an area where a public water distribution system with fire
64 hydrants does not exist as required in Utah Administrative Code, R309-550-5,
65 Water Main Design;
- 66 (iii) the only fire apparatus access road has a grade greater than 10% for more than
67 500 continual feet;
- 68 (iv) the total floor area of all floor levels within the exterior walls of the dwelling unit
69 exceeds 10,000 square feet; or
- 70 (v) the total floor area of all floor levels within the exterior walls of the dwelling unit
71 is double the average of the total floor area of all floor levels of unsprinkled
72 homes in the subdivision that are no larger than 10,000 square feet.
- 73 (vi) Exception: A single family dwelling does not require a fire sprinkler system if
74 the dwelling:
- 75 (A) is located outside the wildland urban interface;
- 76 (B) is built in a one-lot subdivision; and
- 77 (C) has 50 feet of defensible space on all sides that limits the propensity of fire
78 spreading from the dwelling to another property."
- 79 (b) In IFC, Chapter 5, Section 506.1, Where Required, is deleted and rewritten as
80 follows: "Where access to or within a structure or an area is restricted because of
81 secured openings or where immediate access is necessary for life-saving or
82 fire-fighting purposes, the fire code official, after consultation with the building
83 owner, may require a key box to be installed in an approved location. The key box
84 shall contain keys to gain necessary access as required by the fire code official. For
85 each fire jurisdiction that has at least one building with a required key box, the fire
86 jurisdiction shall adopt an ordinance, resolution, or other operating rule or policy that
87 creates a process to ensure that each key to each key box is properly accounted for
88 and secure."
- 89 (c) In IFC, Chapter 5, a new Section 507.1.1, Isolated one- and two-family dwellings, is
90 added as follows: "Fire flow may be reduced for an isolated one- and two-family
91 dwelling when the authority having jurisdiction over the dwelling determines that the
92 development of a full fire-flow requirement is impractical."
- 93 (d) In IFC, Chapter 5, a new Section 507.1.2, Pre-existing subdivision lots, is added as follows:
94 "507.1.2 Pre-existing subdivision lots.
95 The requirements for a pre-existing subdivision lot shall not exceed the requirements
96 described in Section 501.5."

- 97 (e) In IFC, Chapter 5, Section 507.5.1, here required, a new exception is added: "3. One
98 interior and one detached accessory dwelling unit on a single residential lot."
- 99 (f) IFC, Chapter 5, Section 510.1, Emergency responder communication coverage in
100 new buildings, is amended by adding: "When required by the fire code official,
101 unless the new building is a public school as that term is defined in Section
102 53G-9-205.1 or a private school, then the fire code official shall require," at the
103 beginning of the first paragraph.
- 104 (2) For IFC, Chapter 6, Building Services and Systems:
- 105 (a) IFC, Chapter 6, Section 604.6.1, Elevator key location, is deleted and rewritten as
106 follows: "Firefighter service keys shall be kept in a "Supra-Stor-a-key" elevator key
107 box or similar box with corresponding key system that is adjacent to the elevator for
108 immediate use by the fire department. The key box shall contain one key for each
109 elevator, one key for lobby control, and any other keys necessary for emergency
110 service. The elevator key box shall be accessed using a 6049 numbered key."
- 111 (b) IFC, Chapter 6, Section 606.1, General, is amended as follows: On line three, after
112 the word "Code", add the words "and NFPA 96".
- 113 (c) IFC, Chapter 6, Section 607.2, a new exception 5 is added as follows: "5. A Type 1
114 hood is not required for a cooking appliance in a microenterprise home kitchen, as
115 that term is defined in Utah Code, Section 26B-7-401, for which the operator obtains
116 a permit in accordance with Section 26B-7-416."
- 117 (3) IFC, Chapter 7, Fire and Smoke Protection Features, Section 702.5, is deleted.
118 Section 2. Section **17-16-22** is enacted to read:
119 **17-16-22 . Wildland urban interface evaluation and fees.**
- 120 (1) As used in this section:
- 121 (a) "County officer" means the same as that term is defined in Section 17-16-21.
- 122 (b) "High risk wildland urban interface property" means the same as that term is defined
123 in Section 65A-8-401.
- 124 (c) "Wildland urban interface" means the same as that term is defined in Section
125 65A-8-401.
- 126 (d) "Wildland urban interface coordinator" means the same as that term is defined in
127 Section 65A-8-401.
- 128 (2) If evaluation of high risk wildland urban interface property is assigned to a county under
129 Section 65A-8-402:
- 130 (a) the county shall enter into a cooperative agreement with the Division of Forestry,

- 131 Fire, and State Lands, in accordance with Subsection 65A-8-203(2)(a), which
 132 agreement shall address compliance with this Subsection (2) for evaluation and
 133 classification of high risk wildland urban interface property; and
 134 (b) a county officer shall require that a wildland urban interface coordinator representing
 135 the county annually evaluate high risk wildland urban interface property within the
 136 county in accordance with Section 65A-8-402.
- 137 (3) Beginning May 7, 2025, a county officer shall:
- 138 (a) annually assess a fee:
- 139 (i) against the property owner of high risk wildland urban interface property; and
 140 (ii) in the amount set by the Division of Forestry, Fire, and State Lands under Section
 141 65A-8-402; and
- 142 (b)(i) transmit the fee assessed under Subsection (3)(a) to the Division of Forestry,
 143 Fire, and State Lands for deposit into the Wildland-urban Interface Prevention,
 144 Preparedness, and Mitigation Fund created in Section 65A-8-215;
 145 (ii) retain a portion of the fee assessed under Subsection (3)(a) to pay costs incurred
 146 by the county in implementing this section, which the county may include in the
 147 county's annual accounting of wildfire prevention, preparedness, mitigation
 148 actions, and associated costs for purposes of Subsection 65A-8-203(4)(c); or
 149 (iii) do a combination of Subsections (3)(b)(i) and (ii).
- 150 (4) A county may hold a political subdivision lien on high risk wildland urban interface
 151 property for a fee that is past due by following the procedures in Sections 17B-1-902
 152 and 17B-1-902.1, as if the county is a special district.
- 153 Section 3. Section **31A-22-1310** is enacted to read:
- 154 **31A-22-1310 . Insuring wildland urban interface property.**
- 155 (1) As used in this section:
- 156 (a) "High risk wildland urban interface property" means the same as that term is defined
 157 in Section 65A-8-401.
- 158 (b) "Wildland urban interface" means the same as that term is defined in Section
 159 65A-8-401.
- 160 (c) "Wildland urban interface property and casualty insurer" means an insurer that issues
 161 property or casualty insurance for wildland urban interface property.
- 162 (2)(a) For purposes of determining whether property is high risk wildland urban
 163 interface property, a wildland urban interface property and casualty insurer may only
 164 use the boundary provided in the wildfire risk assessment mapping tool maintained

165 by the Division of Forestry, Fire, and State Lands in accordance with Subsection
166 65A-8-203(8) to determine whether the property is high risk wildland urban interface
167 property.

168 (b) A wildland urban interface property and casualty insurer may use additional fire
169 hazard data, beyond the wildfire risk assessment mapping tool described in
170 Subsection (2)(a), in connection with setting a rate for, or the underwriting of, high
171 risk wildland urban interface property if the wildland urban interface property and
172 casualty insurer's use of additional fire hazard data is in compliance with:

173 (i) the boundary determination made in Subsection (2)(a); and

174 (ii) this title and department rules made in accordance with Title 63G, Chapter 3,
175 Utah Administrative Rulemaking Act.

176 (c) If a property is determined not to be high risk wildland urban interface in accordance
177 with Subsection (2)(a), this Subsection (2) does not apply to the use of fire hazard
178 data in connection with rate setting or underwriting of the property.

179 (d) This Subsection (2) does not restrict the use of data or underwriting tools in
180 determining risks that are unrelated to fire risk.

181 (3)(a) If an owner of property located within the wildland urban interface files a
182 complaint with the department asserting that a wildland urban interface property and
183 casualty insurer has violated, or is violating, this section, the department may
184 investigate the wildland urban interface property and casualty insurer to determine
185 whether a violation has occurred or is occurring.

186 (b) If after an investigation under this Subsection (3) the department finds that a
187 wildland urban interface property and casualty insurer has violated or is violating this
188 section, the department may:

189 (i) issue prohibitory, mandatory, and other orders as necessary to secure compliance
190 with this section; and

191 (ii) impose penalties against the wildland urban interface property and casualty
192 insurer in accordance with Section 31A-2-308.

193 (4) In addition to complying with relevant requirements of Section 31A-21-303, if due to
194 risks of wildfire a wildland urban interface property and casualty insurer:

195 (a) Cancels or nonrenews property and casualty insurance covering wildland urban
196 interface property, the wildland urban interface property and casualty insurer shall
197 include in the notice of cancellation or nonrenewal the facts on which the wildland
198 urban interface property and casualty insurer's decision is based with reasonable

199 precision; and
 200 **(b) increases the premium by more than 20% of the previous term's premium for**
 201 property and casualty insurance covering wildland urban interface property, after
 202 receipt of a request for the information by the insured the wildland urban interface
 203 property and casualty insurer shall provide the insured the facts on which the
 204 wildland urban interface property and casualty insurer's decision is based with
 205 reasonable precision.

206 **(5) Subsections (1) through (4) apply on and after January 1, 2026.**

207 **(6) This section does not:**

- 208 **(a) create a cause of action for an act or failure to act under this section against:**
 209 **(i) the state;**
 210 **(ii) the department;**
 211 **(iii) the Division of Forestry, Fire, and State Lands;**
 212 **(iv) an officer, consultant, or employee of the department or Division of Forestry,**
 213 **Fire, and State Lands; or**
 214 **(v) a wildland urban interface coordinator, as defined in Section 65A-8-401;**
 215 **(b) wave governmental immunity in accordance with Subsection 63G-7-201(5); or**
 216 **(c) create a cause of action against a wildland urban interface property and casualty**
 217 **insurer for use in accordance with Subsection (2)(a) of the boundary provided in the**
 218 **wildfire risk assessment mapping tool maintained by the Division of Forestry, Fire,**
 219 **and State Lands in accordance with Subsection 65A-8-203(8).**

220 Section 4. Section **63G-7-201** is amended to read:

221 **63G-7-201 . Immunity of governmental entities and employees from suit.**

- 222 **(1) Except as otherwise provided in this chapter, each governmental entity and each**
 223 **employee of a governmental entity are immune from suit for any injury that results from**
 224 **the exercise of a governmental function.**
 225 **(2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a**
 226 **governmental entity, its officers, and its employees are immune from suit:**
 227 **(a) as provided in Section 78B-4-517; and**
 228 **(b) for any injury or damage resulting from the implementation of or the failure to**
 229 **implement measures to:**
 230 **(i) control the causes of epidemic and communicable diseases and other conditions**
 231 **significantly affecting the public health or necessary to protect the public health as**
 232 **set out in Title 26A, Chapter 1, Local Health Departments;**

- 233 (ii) investigate and control suspected bioterrorism and disease as set out in Sections
234 26B-7-316 through 26B-7-324;
- 235 (iii) respond to a national, state, or local emergency, a public health emergency as
236 defined in Section 26B-7-301, or a declaration by the President of the United
237 States or other federal official requesting public health related activities, including
238 the use, provision, operation, and management of:
- 239 (A) an emergency shelter;
240 (B) housing;
241 (C) a staging place; or
242 (D) a medical facility; and
- 243 (iv) adopt methods or measures, in accordance with Section 26B-1-202, for health
244 care providers, public health entities, and health care insurers to coordinate among
245 themselves to verify the identity of the individuals they serve.
- 246 (3)(a) A governmental entity, its officers, and its employees are immune from suit, and
247 immunity is not waived, for any injury if the injury arises out of or in connection
248 with, or results from:
- 249 (i) a latent dangerous or latent defective condition of:
- 250 (A) any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge,
251 or viaduct; or
252 (B) another structure located on any of the items listed in this Subsection (3)(a)(i);
253 or
- 254 (ii) a latent dangerous or latent defective condition of any public building, structure,
255 dam, reservoir, or other public improvement.
- 256 (b)(i) As used in this Subsection (3)(b):
- 257 (A) "Contaminated land" means the same as that term is defined in Section
258 11-58-102.
- 259 (B) "Contamination" means the condition of land that results from the placement,
260 disposal, or release of hazardous matter on, in, or under the land, including any
261 seeping or escaping of the hazardous matter from the land.
- 262 (C) "Damage" means any property damage, personal injury, or other injury or any
263 loss of any kind, however denominated.
- 264 (D) "Environmentally compliant" means, as applicable, obtaining a certificate of
265 completion from the Department of Environmental Quality under Section
266 19-8-111 following participation in a voluntary cleanup under Title 19, Chapter

267 8, Voluntary Cleanup Program, obtaining an administrative letter from the
268 Department of Environmental Quality for a discrete phase of a voluntary
269 cleanup that is conducted under a remedial action plan as defined in Section
270 11-58-605, or complying with the terms of an environmental covenant, as
271 defined in Section 57-25-102, signed by an agency, as defined in Section
272 57-25-102, and duly recorded in the office of the recorder of the county in
273 which the contaminated land is located.

274 (E) "Government owner" means a governmental entity, including an independent
275 entity, as defined in Section 63E-1-102, that acquires an ownership interest in
276 land that was contaminated land before the governmental entity or independent
277 entity acquired an ownership interest in the land.

278 (F) "Hazardous matter" means hazardous materials, as defined in Section 19-6-302,
279 hazardous substances, as defined in Section 19-6-302, or landfill material, as
280 defined in Section 11-58-102.

281 (G) "Remediation" means the same as that term is defined in Section 11-58-102.

282 (ii)(A) A government owner and the government owner's officers and employees
283 are immune from suit, and immunity is not waived, for any claim for damage
284 that arises out of or in connection with, or results from, contamination of
285 contaminated land.

286 (B) A government owner's ownership of contaminated land may not be the basis
287 of a claim against the government owner for damage that arises out of or in
288 connection with, or results from, contamination of contaminated land.

289 (iii) Subsection (3)(b)(ii) does not limit or affect:

290 (A) the liability of a person that placed, disposed of, or released hazardous matter
291 on, in, or under the land; or

292 (B) a worker compensation claim of an employee of an entity that conducts work
293 on or related to contaminated land.

294 (iv) Immunity under Subsection (3)(b)(ii)(A) is not affected by a government owner's
295 remediation of contaminated land if the government owner is environmentally
296 compliant.

297 (4) A governmental entity, its officers, and its employees are immune from suit, and
298 immunity is not waived, for any injury proximately caused by a negligent act or
299 omission of an employee committed within the scope of employment, if the injury arises
300 out of or in connection with, or results from:

- 301 (a) the exercise or performance, or the failure to exercise or perform, a discretionary
302 function, whether or not the discretion is abused;
- 303 (b) except as provided in Subsections 63G-7-301(2)(j), (3), and (4), assault, battery,
304 false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of
305 process, libel, slander, deceit, interference with contract rights, infliction of mental
306 anguish, or violation of civil rights;
- 307 (c) the issuance, denial, suspension, or revocation of, or the failure or refusal to issue,
308 deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar
309 authorization;
- 310 (d) a failure to make an inspection or making an inadequate or negligent inspection;
- 311 (e) the institution or prosecution of any judicial or administrative proceeding, even if
312 malicious or without probable cause;
- 313 (f) a misrepresentation by an employee whether or not the misrepresentation is negligent
314 or intentional;
- 315 (g) a riot, unlawful assembly, public demonstration, mob violence, or civil disturbance;
- 316 (h) the collection or assessment of taxes;
- 317 (i) an activity of the Utah National Guard;
- 318 (j) the incarceration of a person in a state prison, county or city jail, or other place of
319 legal confinement;
- 320 (k) a natural condition on publicly owned or controlled land;
- 321 (l) a condition existing in connection with an abandoned mine or mining operation;
- 322 (m) an activity authorized by the School and Institutional Trust Lands Administration or
323 the Division of Forestry, Fire, and State Lands;
- 324 (n) the operation or existence of a trail that is along a water facility, as defined in Section
325 73-1-8, stream, or river, regardless of ownership or operation of the water facility,
326 stream, or river, if:
- 327 (i) the trail is designated under a general plan adopted by a municipality under
328 Section 10-9a-401 or by a county under Section 17-27a-401;
- 329 (ii) the trail right-of-way or the right-of-way where the trail is located is open to
330 public use as evidenced by a written agreement between:
- 331 (A) the owner or operator of the trail right-of-way or of the right-of-way where the
332 trail is located; and
- 333 (B) the municipality or county where the trail is located; and
- 334 (iii) the written agreement:

- 335 (A) contains a plan for operation and maintenance of the trail; and
- 336 (B) provides that an owner or operator of the trail right-of-way or of the
- 337 right-of-way where the trail is located has, at a minimum, the same level of
- 338 immunity from suit as the governmental entity in connection with or resulting
- 339 from the use of the trail;
- 340 (o) research or implementation of cloud management or seeding for the clearing of fog;
- 341 (p) the management of flood waters, earthquakes, or natural disasters;
- 342 (q) the construction, repair, or operation of flood or storm systems;
- 343 (r) the operation of an emergency vehicle, while being driven in accordance with the
- 344 requirements of Section 41-6a-212;
- 345 (s) the activity of:
- 346 (i) providing emergency medical assistance;
- 347 (ii) fighting fire;
- 348 (iii) regulating, mitigating, or handling hazardous materials or hazardous wastes;
- 349 (iv) an emergency evacuation;
- 350 (v) transporting or removing an injured person to a place where emergency medical
- 351 assistance can be rendered or where the person can be transported by a licensed
- 352 ambulance service; or
- 353 (vi) intervening during a dam emergency;
- 354 (t) the exercise or performance, or the failure to exercise or perform, any function
- 355 pursuant to Title 73, Chapter 10, Board of Water Resources - Division of Water
- 356 Resources;
- 357 (u) an unauthorized access to government records, data, or electronic information
- 358 systems by any person or entity;
- 359 (v) an activity of wildlife, as defined in Section 23A-1-101, that arises during the use of
- 360 a public or private road;
- 361 (w) a communication between employees of one or more law enforcement agencies
- 362 related to the employment, disciplinary history, character, professional competence,
- 363 or physical or mental health of a peace officer, or a former, current, or prospective
- 364 employee of a law enforcement agency, including any communication made in
- 365 accordance with Section 53-14-103; or
- 366 (x) providing or failing to provide information under Section 53-27-102 or Subsection
- 367 41-1a-213(6), (7), or (8), 53-3-207(4), or 53-3-805(5).
- 368 (5) The following are immune from suit, and immunity is not waived for an action or

369 failure to act within the scope of duties or employment, if the injury arises out of, in
 370 connection with, or results from the implementation of Section 17-16-22 to the extent it
 371 addresses evaluating and classifying high risk wildland urban interface property, Section
 372 31A-22-1310, or Title 65A, Chapter 8, Part 4, Wildland Urban Interface Property:
 373 (a) the Division of Forestry, Fire, and State Lands;
 374 (b) an officer, employee, or consultant of the Division of Forestry, Fire, and State Lands;
 375 (c) a county;
 376 (d) a wildland urban interface coordinator, as defined in Section 65A-8-401;
 377 (e) the Insurance Department; or
 378 (f) an officer, employee, or consultant of the Insurance Department.

379 Section 5. Section **65A-8-203** is amended to read:

380 **65A-8-203 . Cooperative fire protection agreements with eligible entities.**

381 (1) As used in this section:

382 (a) "Eligible entity" means:

383 (i) a county, a municipality, or a special service district, special district, or service
 384 area with:

385 (A) wildland fire suppression responsibility as described in Section 11-7-1; and

386 (B) wildland fire suppression cost responsibility and taxing authority for a specific
 387 geographic jurisdiction; or

388 (ii) upon approval by the director, a political subdivision established by a county,
 389 municipality, special service district, special district, or service area that is
 390 responsible for:

391 (A) providing wildland fire suppression services; and

392 (B) paying for the cost of wildland fire suppression services.

393 (b) "Fire service provider" means a public or private entity that fulfills the duties of
 394 Subsection 11-7-1(1).

395 (2)(a) The governing body of any eligible entity may enter into a cooperative agreement
 396 with the division to receive financial and wildfire management cooperation and
 397 assistance from the division, as described in this part.

398 (b) A cooperative agreement shall last for a term of no more than five years and be
 399 renewable if the eligible entity continues to meet the requirements of this chapter.

400 (3)(a) The state shall assume an eligible entity's cost of suppressing catastrophic wildfire
 401 as defined in the cooperative agreement if the eligible entity has entered into, and is
 402 in full compliance with, a cooperative agreement with the division, as described in

403 this section.

404 (b) A county or municipality that is not covered by a cooperative agreement with the
405 division, as described in this section, shall be responsible for wildland fire costs
406 within the county or municipality's jurisdiction, as described in Section 65A-8-203.2.

407 (4) To enter into a cooperative agreement with the division, the eligible entity shall:

408 [~~(a) if the eligible entity is a county, adopt and enforce on unincorporated land a~~
409 ~~wildland fire ordinance based upon minimum standards established by the division or~~
410 ~~Uniform Building Code Commission;~~]

411 [~~(b)~~ (a) require that the fire department or equivalent fire service provider under contract
412 with, or delegated by, the eligible entity on unincorporated land meet minimum
413 standards for wildland fire training, certification, and suppression equipment based
414 upon nationally accepted standards as specified by the division;

415 [~~(c)~~ (b) invest in prevention, preparedness, and mitigation efforts, as agreed to with the
416 division, that will reduce the eligible entity's risk of catastrophic wildfire;

417 [~~(d)~~ (c)(i) file with the division an annual accounting of wildfire prevention,
418 preparedness, mitigation actions, and associated costs;

419 (ii) meet the eligibility entity's participation commitment by making direct payments
420 to the division; or

421 (iii) do a combination of Subsections [~~(4)(d)(i) and (ii)~~] (4)(c)(i) and (ii);

422 [~~(e)~~ (d) return the financial statement described in Subsection (6), signed by the chief
423 executive of the eligible entity, to the division on or before the date set by the
424 division;[~~and~~]

425 [~~(f)~~ (e) if the eligible entity is a county, have a designated fire warden as described in
426 Section 65A-8-209.1[~~;~~];

427 (f) subject to Subsection (9), adopt and enforce the wildland urban interface building
428 standards, as defined in Section 65A-8-401, if the eligible entity is a:

429 (i) county for purposes of an unincorporated area within the county; or

430 (ii) municipality for an incorporated area within a county; and

431 (g) if the eligible entity is a county, comply with Section 17-16-22.

432 (5)(a) The state forester may execute a cooperative agreement with the eligible entity.

433 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
434 Administrative Rulemaking Act, governing the:

435 (i) cooperative agreements described in this section;

436 (ii) manner in which an eligible entity shall provide proof of compliance with

- 437 Subsection (4);
- 438 (iii) manner by which the division may revoke a cooperative agreement if an eligible
439 entity ceases to meet the requirements described in this section;
- 440 (iv) accounting system for determining suppression costs;
- 441 (v) manner in which the division shall determine the eligible entity's participation
442 commitment; and
- 443 (vi) manner in which an eligible entity may appeal a division determination.
- 444 (6)(a) The division shall send a financial statement to each eligible entity participating in
445 a cooperative agreement that details the eligible entity's participation commitment for
446 the coming fiscal year, including the prevention, preparedness, and mitigation actions
447 agreed to under Subsection (4)~~(e)~~ (b).
- 448 (b) Each eligible entity participating in a cooperative agreement shall:
- 449 (i) have the chief executive of the eligible entity sign the financial statement, or the
450 legislative body of the eligible entity approve the financial statement by
451 resolution, confirming the eligible entity's participation for the upcoming year; and
- 452 (ii) return the financial statement to the division, on or before a date set by the
453 division.
- 454 (c) A financial statement shall be effective for one calendar year, beginning on the date
455 set by the division, as described in Subsection (6)(b).
- 456 (7)(a) An eligible entity may revoke a cooperative agreement before the end of the
457 cooperative agreement's term by:
- 458 (i) informing the division, in writing, of the eligible entity's intention to revoke the
459 cooperative agreement; or
- 460 (ii) failing to sign and return its annual financial statement, as described in
461 Subsection (6)(b), unless the director grants an extension.
- 462 (b) An eligible entity may not revoke a cooperative agreement before the end of the term
463 of a signed annual financial statement, as described in Subsection (6)(c).
- 464 (8)(a) The division shall develop and maintain a wildfire risk assessment mapping tool
465 that is online and publicly accessible.
- 466 (b)~~(i)~~ The division shall analyze ~~[adding an additional high-risk category]~~ and
467 establish by rule, made in accordance with Title 63G, Chapter 3, Utah
468 Administrative Rulemaking Act, boundaries for high risk wildland urban interface
469 property and what constitutes wildland urban interface property that is not high
470 risk within the wildfire risk assessment mapping tool described in Subsection

- 471 (8)(a):
- 472 ~~[(A)] (i)~~ using a scientific assessment; and
- 473 ~~[(B)] (ii)~~ that is focused on the risk to dwellings within the wildland[-] urban interface
- 474 area.
- 475 ~~[(ii) The division shall report the results of the division's analysis under this~~
- 476 ~~Subsection (8)(b) to the Natural Resources, Agriculture, and Environment Interim~~
- 477 ~~Committee by no later than the 2024 November interim meeting of that committee.]~~
- 478 (c) With regard to the categories used within the wildfire risk assessment mapping tool
- 479 described in Subsection (8)(a), the division may adjust the assessment for
- 480 participation commitments if the adjustment is based on the Consumer Price Index
- 481 for All Urban Consumers as published by the Bureau of Labor Statistics of the
- 482 United States Department of Labor, in accordance with a formula established by the
- 483 division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
- 484 Rulemaking Act.
- 485 (9)(a) If the state under Section 15A-2-103 adopts an edition of the Utah Wildland
- 486 Urban Interface Code, issued by the International Code Council, with the alternatives
- 487 or amendments approved by the division, as a wildland urban interface building
- 488 standard that may be adopted by a local compliance agency:
- 489 (i) for purposes of an unincorporated area within a county, the county shall adopt and
- 490 enforce the wildland urban interface building standard described in this
- 491 Subsection (9)(a); and
- 492 (ii) for purposes of an incorporated area within a county, the relevant municipality
- 493 shall adopt and enforce the wildland urban interface building standard described
- 494 in this Subsection (9)(a).
- 495 (b) If a county or municipality fails to comply with Subsections (4)(f) and (9)(a), the
- 496 division may choose to not pay costs of the county or municipality under a
- 497 cooperative agreement executed under this section.
- 498 (c)(i) If the state adopts a different wildland urban interface building standard than
- 499 was previously adopted under Section 15A-2-103, a county or municipality has
- 500 two years from the date the state adopts the different wildland urban interface
- 501 building standard to adopt the appropriate wildland urban interface building
- 502 standard.
- 503 (ii) If a county or municipality fails to adopt the appropriate wildland urban interface
- 504 building standard within the time period described in Subsection (9)(c)(i), the

505 division may choose to not pay costs of the county or municipality under a
 506 cooperative agreement executed under this section beginning two years from the
 507 day on which the state adopts the different wildland urban interface building
 508 standard and until such time as the county or municipality adopts the appropriate
 509 wildland urban interface building standard.

510 Section 6. Section **65A-8-215** is amended to read:

511 **65A-8-215 . Wildland-urban interface fire prevention, preparedness, and**
 512 **mitigation.**

513 (1) As used in this section:

514 (a) "Prevention, preparedness, and mitigation fund" means the Wildland-urban Interface
 515 Prevention, Preparedness, and Mitigation Fund created in this section.

516 (b) "Suppression fund" means the Wildland Fire Suppression Fund created in Section
 517 65A-8-204.

518 (c) "Wildland-urban interface" means the zone where structures and other human
 519 development meets, or intermingles with, undeveloped wildland.

520 (2)(a) There is created an expendable special revenue fund known as the
 521 "Wildland-urban Interface Prevention, Preparedness, and Mitigation Fund."

522 (b) The prevention, preparedness, and mitigation fund shall consist of:

523 (i) interest and earnings from the investment of money from the prevention,
 524 preparedness, and mitigation fund;

525 (ii) money received as direct payment from cooperative wildfire system participation
 526 commitments;

527 (iii) money appropriated by the Legislature;~~and~~

528 (iv) money transferred to the prevention, preparedness, and mitigation fund under
 529 Section 63J-1-314[-] ; and

530 (v) fees deposited into the prevention, preparedness, and mitigation fund under
 531 Section 17-16-22.

532 (c) The division shall administer the prevention, preparedness, and mitigation fund to:

533 (i) pay costs of prevention and preparedness efforts on wildland-urban interface
 534 within the state, as defined by the division by rule made in accordance with Title
 535 63G, Chapter 3, Utah Administrative Rulemaking Act, including costs of an
 536 eligible entity that has entered into a cooperative agreement, as described in
 537 Section 65A-8-203;

538 (ii) issue fire department assistance grants, which in the aggregate may not exceed

539 10% of the money in the prevention, preparedness, and mitigation fund each fiscal
540 year; and

541 (iii) in cases of catastrophic need as determined by the state forester, pay costs that
542 could be paid from the suppression fund under Section 65A-8-204.

543 (d) Disbursements from the prevention, preparedness, and mitigation fund may only be
544 made upon written order of the state forester or the state forester's authorized
545 representative.

546 (3)(a) The division may by rule, made in accordance with Title 63G, Chapter 3, Utah
547 Administrative Rulemaking Act, establish criteria for community wildfire
548 preparedness plans addressing wildland-urban interface. The criteria shall require
549 action that is:

550 (i) qualitative and quantitative; and

551 (ii) leads to reduced wildfire risk.

552 (b) An eligible entity, as defined in Section 65A-8-203, shall agree to implement
553 prevention, preparedness, and mitigation actions identified in a community wildfire
554 preparedness plan addressing wildland-urban interface that is approved by the
555 division.

556 Section 7. Section **65A-8-401** is enacted to read:

557 **Part 4. Wildland Urban Interface Property**

558 **65A-8-401 . Definitions.**

559 As used in this section:

560 (1) "High risk wildland urban interface property" means property located within the
561 boundary of high risk wildland urban interface as designated by the wildfire risk
562 assessment tool in Subsection 65A-8-203(8)(a) and defined by rule made in accordance
563 with Subsection 65A-8-402(5)(a).

564 (2) "Triage scale" means a scale with three classifications adopted by the division to
565 evaluate and classify property located within the wildland urban interface as to what
566 actions are needed to prepare the property for fire.

567 (3) "Wildland urban interface" means the same as that term is defined in Section
568 65A-8a-102.

569 (4) "Wildland urban interface building standards" means the edition of the Utah Wildland
570 Urban Interface Code adopted under Section 15A-2-103.

571 (5) "Wildland urban interface coordinator" means a representative of the division or a
572 county who evaluates and classifies wildland urban interface property in accordance

573 with Section 65A-8-402.

574 (6) "Wildland urban interface property and casualty insurer" means the same as that term is
575 defined in Section 31A-22-1310.

576 Section 8. Section **65A-8-402** is enacted to read:

577 **65A-8-402 . Evaluation of wildland urban interface property -- Fee amounts --**

578 **Rulemaking.**

579 (1)(a) The division shall establish a program under which a wildland urban interface
580 coordinator evaluates and classifies high risk wildland urban interface property using
581 a triage scale.

582 (b) The wildland urban interface coordinator shall be:

583 (i) a representative of the division; or

584 (ii) if the evaluation and classification is assigned to a county, a representative of the
585 county.

586 (c) At the beginning of each calendar year, the division shall determine whether to
587 assign evaluation and classification under this section of high risk wildland urban
588 interface property to a county.

589 (2) After completing the evaluation and classification under this section, the wildland urban
590 interface coordinator shall inform a property owner of property described in Subsection
591 (1)(a) of:

592 (a) the classification assigned to the property described in Subsection (1)(a) under the
593 triage scale;

594 (b) the fee the property owner shall pay under Section 17-16-22; and

595 (c) resources from the division or county that the property owner may access to bring the
596 property described in Subsection (1)(a) to the first or second classification by
597 applying wildland urban interface building standards.

598 (3) As part of the program established under this section, the division:

599 (a) may provide resources to a property owner described in Subsection (2)(b) to
600 facilitate the property owner bringing the property described in Subsection (1)(a) to
601 the first or second classification under the triage scale; and

602 (b) beginning on January 1, 2028, shall develop and maintain a database that may be
603 accessed by a wildland urban interface property and casualty insurer to learn the
604 classification under the triage scale for any portion of high risk wildland urban
605 interface property to be covered by the wildland urban interface property and casualty
606 insurer.

- 607 (4)(a) The division shall annually set a fee amount that is based on the square footage of
608 a structure within the high risk wildland urban interface to pay for the costs
609 associated with the implementation of this part to be assessed and collected by a
610 county in accordance with Section 17-16-22.
- 611 (b) The division may tier the fee amount to account for what level on the triage scale a
612 property is assigned by a wildland urban interface coordinator.
- 613 (5) The division may make rules, in accordance with Title 63G, Chapter 3, Utah
614 Administrative Rulemaking Act, to:
- 615 (a) define high risk wildland urban interface property and wildland urban interface
616 property that is not high risk as provided in Subsection 65A-8-203(8)(b);
- 617 (b) establish the criteria used to evaluate and classify property located within high risk
618 wildland urban interface property;
- 619 (c) create a process by which the division and counties communicate classifications
620 assigned to property described in Subsection (1)(a);
- 621 (d) create a process for communicating to a property owner the information described in
622 Subsection (2);
- 623 (e) establish how the division may provide resources under Subsection (3);
- 624 (f) create a process for a wildland urban interface property and casualty insurer to learn
625 the classification described in Subsection (3)(b); and
- 626 (g) establish how the fee amount described in Subsection (4) is set.

627 Section 9. Section **65A-8-403** is enacted to read:

628 **65A-8-403 . Liability.**

629 This part does not create a cause of action against the state, the division, an officer,
630 employee, or consultant of the division, a county, or a wildland urban interface coordinator for
631 an act or failure to act under this part and does not waive governmental immunity in
632 accordance with Subsection 63G-7-201(5).

633 Section 10. **Effective Date.**

634 This bill takes effect on May 7, 2025.