

HOUSE BILL No. 2107

By Committee on Energy, Utilities and Telecommunications

Requested by Laura Lutz on behalf of Every

1-28

1 AN ACT concerning utilities; relating to liability for fire event damages;  
2 providing for claims and recovery for ~~economic~~ damages; ~~establishing~~  
3 ~~recovery for such limiting recovery of punitive~~ damages; requiring the  
4 state corporation commission to ~~provide training~~ convene a workshop  
5 on wildfire risk and mitigation.  
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) As used in this section ~~and section 2, and~~  
9 ~~amendments thereto:~~

10 (1) "Commission" means the state corporation commission.

11 (2) "Electric public utility" means a public utility as defined in K.S.A.  
12 66-104, and amendments thereto, that is engaged in the generation,  
13 transmission or distribution of electricity.

14 (3) "Fire claim" means any claim, whether based on negligence,  
15 nuisance, trespass or any other claim for relief, brought by a person against  
16 an electric public utility in a civil action to recover for damages resulting  
17 from a fire event.

18 (4) "Fire event" means an uncontrolled or unplanned fire in the state  
19 alleged to have been caused by an electric public utility.

20 (b) A fire claim shall be brought within two years of the date of the  
21 ~~ignition of damage from~~ the fire event that is the subject of such claim.

22 (c) ~~Subject to subsection (d) and (e).~~ After an injured plaintiff  
23 establishes by a preponderance of evidence that a loss was due to a fire  
24 event caused by an electric public utility's conduct, such plaintiff bringing  
25 a fire claim under this section may recover economic ~~losses~~ to compensate  
26 ~~for damage to property~~

27 (d) ~~An award for damages to real property resulting from a fire event~~  
28 ~~recoverable under subsection (c), shall be the lesser of:~~

29 (1) ~~The cost to restore the property to the condition of such property~~  
30 ~~immediately before the fire event; or~~

31 (2) ~~the difference between:-~~

32 (A) ~~The fair market value of the property immediately before the fire~~  
33 ~~event; or-~~

34 (B) ~~the fair market value of the property immediately after the fire~~  
35 ~~event.~~



and noneconomic damages

any such loss