

HOUSE BILL No. 2107

AN ACT concerning utilities; relating to liability for fire event damages; providing for claims and recovery for damages; limiting recovery of punitive damages; requiring the state corporation commission to convene a workshop on wildfire risk and mitigation and authorizing the commission to open a general investigation or convene additional workshops to further assess wildfire risk and mitigation.

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

New Section 1. (a) As used in this section:

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

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

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

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

(b) A fire claim shall be brought within two years of the date of the damage from the fire event that is the subject of such claim or, if the fact of injury is not reasonably ascertainable until some time after the initial act, then the period of limitation shall not commence until the fact of injury becomes reasonably ascertainable to the injured party, except that in no event shall an action be commenced more than 10 years beyond the fire event.

(c) After an injured plaintiff establishes by a preponderance of evidence that a loss was due to a fire event caused by an electric public utility's conduct, such plaintiff bringing a fire claim under this section may recover economic and noneconomic damages to compensate for any such loss.

(d) Pursuant to K.S.A. 60-3702(e), and amendments thereto, punitive damages awarded under a fire claim brought pursuant to this section shall not exceed \$5,000,000.

Sec. 2. (a) On or before July 31, 2026, the state corporation commission shall convene a workshop to assess wildfire risk and mitigation. Such workshop shall provide a forum for the presentation and discussion of the following information:

(1) General wildfire risks in the state;

(2) utility readiness to mitigate wildfire risks;

(3) risk mitigation strategies and approaches; and

(4) cost recovery treatment for wildfire mitigation costs, including investments and expenses.

(b) If determined necessary by the state corporation commission, the commission may open a general investigation or convene additional workshops to further assess utility wildfire risk and mitigation.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the House, and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.