

Wildfire-related Claims Against a Utility; HB 2107

HB 2107 establishes a two-year statute of limitations for wildfire-related claims against an electric public utility, authorizes the recovery of certain damages, limits the recovery of punitive damages, requires the Kansas Corporation Commission (KCC) to convene a workshop on wildfire risks and utility mitigation efforts, and authorizes the KCC to open a general investigation or convene additional workshops to further assess wildfire risk and mitigation.

Definitions

The bill defines “fire event” to mean an uncontrolled or unplanned fire in the state alleged to have been caused by an electric public utility.

The bill defines “fire claim” to mean 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.

Statute of Limitations

The bill establishes a two-year statute of limitations on fire claims, beginning on the date of the damage from the fire event. The bill establishes, if the fact of injury is not reasonably ascertainable until some time after the initial act, the period of limitation will not commence until the fact of injury becomes reasonably ascertainable to the injured party, except that in no event will an action be commenced more than ten years beyond the fire event.

Recovery of Damages

The bill establishes the burden of proof for fire claims to require a preponderance of evidence. [Note: A preponderance of evidence is the standard burden of proof used in negligence cases.] A plaintiff is permitted to recover economic and non-economic damages to compensate for any such loss.

The bill limits punitive damages awarded under a fire claim to not exceed \$5.0 million.

Kansas Corporation Commission Responsibilities

The bill also requires the KCC to convene a workshop to assess wildfire risk and mitigation on or before July 31, 2026. The workshop must provide a forum for the presentation and discussion of the following information:

- General wildfire risks in Kansas;
- Utility readiness to mitigate wildfire risks;
- Risk mitigation strategies and approaches; and

- Cost recovery treatment for wildfire mitigation costs, including investments and expenses.

The bill authorizes the KCC to open a general investigation or convene additional workshops to further assess utility wildfire risk and mitigation, if determined to be necessary.