

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 1071

By: Woods

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5
6 AS INTRODUCED

7 An Act relating to electric utilities; creating the
8 Wildland Fire Protection Act; providing short title;
9 defining terms; establishing requirements for
10 electrical wildland fire protection plan; requiring
11 utility to furnish plan upon request; directing
12 utility to consult with certain agencies; construing
13 provisions; allowing utility to recover costs under
14 certain circumstances subject to certain
15 requirements; establishing liability for certain
16 persons for certain causes of wildland fires,
17 regardless of land jurisdiction; providing for
18 certain exceptions to cause determination; allowing
19 property owner to bring certain action; establishing
20 award for damages; providing for codification; and
21 providing an effective date.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 16-41 of Title 2, unless there
is created a duplication in numbering, reads as follows:

25 This act shall be known and may be cited as the "Wildland Fire
26 Protection Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 16-42 of Title 2, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "Electric cooperative" means a cooperative as defined
6 pursuant to Section 437.1 of Title 18 of the Oklahoma Statutes;

7 2. "Electric utility" means an electric cooperative or public
8 utility;

9 3. "Electrical wildland fire protection plan" means a plan that
10 is prepared by an electric utility for the purpose of mitigating a
11 wildland fire within the utility's service area;

12 4. "Injuries arising from the ownership of property" means all
13 claims for property damage, trespass, nuisance, loss of use,
14 injuries to timber, loss of employment, or emotional distress
15 arising from a wildland fire;

16 5. "Public utility" means a utility as defined pursuant to
17 Section 151 of Title 17 of the Oklahoma Statutes; and

18 6. "Wildland fire" means any uncontrolled fire on forests,
19 grasslands, fields, croplands, or wildlands; provided, wildland fire
20 also includes any such fire which damages or destroys improvements
21 or structures.

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 16-43 of Title 2, unless there
24 is created a duplication in numbering, reads as follows:

1 A. An electric utility operating in this state may prepare an
2 electrical wildland fire protection plan in accordance with the
3 requirements of this section as deemed necessary by the utility for
4 the purpose of mitigating wildland fires.

5 B. An electrical wildland fire protection plan under this
6 section shall include a description of:

7 1. Areas within the service area of the electric utility that
8 may be subject to a heightened risk of wildland fire;

9 2. The procedures, standards, and time frames that the electric
10 utility will use to inspect its infrastructure and perform
11 vegetation management;

12 3. Proposed modifications or upgrades to facilities;

13 4. Preventative programs that the electric utility will
14 implement to reduce the risk of its electric facilities initiating a
15 wildfire;

16 5. The procedures that the electric utility intends to use to
17 restore its electrical system in the event of a wildland fire; and

18 6. Potential consultation, if applicable, with state or local
19 wildland fire protection plans.

20 C. Any electric utility that prepares an electrical wildland
21 fire protection plan under this section shall maintain a copy of
22 such plan and make it available for public inspection upon request.
23 The utility shall consider input from the Oklahoma Department of
24 Agriculture, Food, and Forestry, the State Fire Marshal, and any

1 other appropriate federal, state, or local entity that requests to
2 provide input to the utility.

3 D. Nothing in this act shall be construed to require an
4 electric utility to implement modifications or upgrades to
5 facilities or preventative programs which, commensurate with the
6 level of risk of wildland fire for an area within the utility's
7 service area, are not commonly utilized in the electric distribution
8 and transmission process of the utility or exceed comparable
9 industry standards.

10 E. An electric utility may recover in rates all prudently
11 incurred investments and expenditures, including capital costs, as a
12 result of the implementation of an electrical wildland fire
13 protection plan. A rate adjustment under this subsection shall be
14 subject to the requirements of Section 250 et seq. of Title 17 of
15 the Oklahoma Statutes. Subject to approval by the Corporation
16 Commission, an electric utility may defer or collect the incremental
17 revenue requirements for the capital investments and expenses that
18 are not included in base rates in order to implement an electrical
19 wildland fire protection plan under this act.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 16-44 of Title 2, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Except as provided in subsection B of this section, a person
24 who negligently, recklessly, or intentionally causes or spreads a
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1 wildland fire shall be liable for the injuries arising from the
2 ownership of property which result from that wildland fire. A
3 person liable under this subsection shall be liable regardless of
4 whether the fire begins on federal, tribal, state-owned, or private
5 land.

6 B. In any civil action or other legal proceeding seeking to
7 recover injuries arising from the ownership of property which
8 resulted from a wildland fire, an electric utility shall not be
9 considered to have negligently caused a wildland fire if:

10 1. An electrical wildland fire protection plan of the electric
11 utility identified and sought to mitigate conditions which may have
12 caused or contributed to the cause of the wildland fire or fires;

13 2. For the area of origin of the wildland fire, the electric
14 utility has undertaken the fire mitigation work identified in the
15 electrical wildland fire protection plan, including:

- 16 a. inspection, maintenance, and repair activities,
- 17 b. modifications or upgrades to facilities or the
18 construction of new facilities,
- 19 c. vegetation management, and
- 20 d. preventative programs; or

21 3. The electric utility is denied or delayed access to a right-
22 of-way on land owned by a state, federal, or tribal governmental
23 agency after the utility requested access to the right-of-way to
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1 perform fire mitigation work in accordance with the electrical
2 wildland fire protection plan.

3 C. 1. In the event an electric utility does not have an
4 electrical wildland fire protection plan that identified and sought
5 to address the potential causes of a wildland fire for fire
6 mitigation purposes, a property owner who suffers damages resulting
7 from a wildland fire caused intentionally, recklessly, or
8 negligently by an electric utility may bring an action under this
9 section to recover injuries arising from the ownership of property
10 which resulted from the wildland fire.

11 2. An award for damages for injuries arising from the ownership
12 of property from a wildland fire, including loss of vegetation,
13 shall be the lesser of:

- 14 a. the cost to restore the real property to the condition
15 it was in prior to the wildland fire, or
16 b. the difference between:
17 (1) the fair market value of the real property before
18 the wildland fire, and
19 (2) the fair market value of the real property after
20 the wildland fire.

21 3. The lack of an applicable electrical wildland fire
22 protection plan shall not be considered in any award for punitive
23 damages against an electric utility.
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D. Nothing in this act shall be construed to address or impact liability for and recovery of damages for bodily injuries resulting from a wildland fire.

SECTION 5. This act shall become effective November 1, 2025.

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