



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB5066

Introduced 1/27/2022, by Rep. Tim Butler

#### SYNOPSIS AS INTRODUCED:

525 ILCS 37/15

Amends the Illinois Prescribed Burning Act. Removes a provision that provide that a property owner and any person conducting a prescribed burn is liable for actual damage or injury caused by the prescribed burn or resulting smoke upon proof of negligence. Provides instead that no landowner, agent of the landowner, or certified prescribed burn manager is liable for damage, injury, or loss caused by a prescribed burn or resulting smoke unless proven to be grossly negligent. Effective immediately.

LRB102 24884 NLB 34134 b

1 AN ACT concerning conservation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Prescribed Burning Act is amended  
5 by changing Section 15 as follows:

6 (525 ILCS 37/15)

7 Sec. 15. Requirements; liability.

8 (a) Before conducting a prescribed burn under this Act, a  
9 person shall:

10 (1) obtain the written consent of the landowner;

11 (2) have a written prescription approved by a  
12 certified prescribed burn manager;

13 (3) have at least one certified prescribed burn  
14 manager present on site with a copy of the prescription  
15 while the burn is being conducted;

16 (4) notify the local fire department, county  
17 dispatcher, 911 dispatcher, or other designated emergency  
18 dispatcher on the day of the prescribed burn; and

19 (5) make a reasonable attempt to notify all adjoining  
20 property owners and occupants of the date and time of the  
21 prescribed burn.

22 (b) (Blank). ~~The property owner and any person conducting~~  
23 ~~a prescribed burn under this Act shall be liable for any actual~~

1 ~~damage or injury caused by the fire or resulting smoke upon~~  
2 ~~proof of negligence.~~

3 (b-5) No landowner or agent of the landowner shall be  
4 liable for damage, injury, or loss caused by a prescribed burn  
5 or resulting smoke of a prescribed burn unless the landowner  
6 or agent of the landowner is proven to be grossly negligent.

7 (b-10) No certified prescribed burn manager shall be  
8 liable for damage, injury, or loss caused by a prescribed burn  
9 or resulting smoke of a prescribed burn conducted under an  
10 approved prescription unless the certified prescribed burn  
11 manager is proven to be grossly negligent.

12 (c) Any prescribed burning conducted under this Act:

13 (1) is declared to be in the public interest;

14 (2) does not constitute a public or private nuisance  
15 when conducted in compliance with Section 9 of the  
16 Environmental Protection Act and all other State statutes  
17 and rules applicable to prescribed burning; and

18 (3) is a property right of the property owner if  
19 naturally occurring vegetative fuels are used.

20 (Source: P.A. 95-108, eff. 8-13-07.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.