

## HOUSE BILL No. 2107

By Committee on Energy, Utilities and Telecommunications

Requested by Laura Lutz on behalf of Evergy

1-28

1 AN ACT concerning utilities; relating to liability for fire event damages;  
2 providing for claims and recovery for economic damages; calculating  
3 recovery for such damages; requiring the state corporation commission  
4 to provide trainings on wildfire risk and mitigation.  
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6 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

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

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

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

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

30 (2) the difference between:

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

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

35 (e) Pursuant to K.S.A. 60-3701(e), punitive damages awarded under a

1 fire claim brought under subsection (c) shall not exceed \$5,000,000.

2 Sec. 2. On or before July 31, 2026, the state corporation commission  
3 shall provide training opportunities to assess wildfire risk and mitigation.

4 Such trainings shall provide the following information:

5 (a) General wildfire risks in the state;

6 (b) utility readiness to mitigate wildfire risks;

7 (c) risk mitigation strategies and approaches; and

8 (d) cost recovery treatment for wildfire mitigation costs, including  
9 investments and expenses.

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