

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

943N0753

HOUSE BILL NO. 1289

Introduced by: Representative DeVries and Senator Maher

1 FOR AN ACT ENTITLED, An Act to prohibit the negligent kindling of certain fires, to impose
2 financial liability for causing certain fires, and to provide penalties therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-35-9 be amended to read as follows:

5 ~~34-35-9. Every person who negligently kindles or causes to be kindled, fire in any woods,~~
6 ~~brush, fields, marshes, or prairies and leaves it unquenched or who negligently or without full~~
7 ~~precaution to prevent fire spreading permits it to spread beyond his control so as to endanger~~
8 ~~the property of another, whether such fire is kindled upon his own land or not, or who, finding~~
9 ~~any uncontrolled fire burning, fails to give immediate warning and to make reasonable attempt~~
10 ~~to quench it, or who at any fire at any place is guilty of any disobedience to the lawful orders~~
11 ~~of any public official or fireman attempting to control said fire, or who interferes with any such~~
12 ~~officer in any such case or refuses to assist in controlling said fire, is guilty of a Class 1~~
13 ~~misdemeanor. No person may:~~

14 (1) Negligently kindle a fire, or cause a fire or explosion, whether by matches, lighters,
15 fireworks, use of tobacco products, combustible substances, or any other negligent
16 means, in any woods, brush, fields, marshes, or prairies and fail to control or quench



1 it prior to a fire department combating the fire; or

2 (2) Negligently, or without full precaution to prevent the fire spreading, permit a fire to
3 spread beyond the person's control so as to endanger the person or property of
4 another, and to require a fire department to combat the fire, whether such fire is
5 caused upon the person's own land or not; or

6 (3) Interfere with any public official or fireman in any such case.

7 Any violation of this Act is a Class 1 misdemeanor. Any person found guilty of violating
8 subsection (1) or (2) of this Act shall compensate the fire department for any unreimbursed costs
9 incurred in fighting the fire in addition to any other penalty imposed by the court.