

HOUSE BILL NO. 302

INTRODUCED BY D. HAINES

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A PREMIUM REDUCTION FOR PROPERTY OWNERS IN WILDLAND-URBAN INTERFACE AREAS WHO TAKE CERTAIN FIRE PREVENTION PRECAUTIONS; PROVIDING THAT THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION SHALL ESTABLISH GUIDELINES FOR FIRE PREVENTION IN WILDLAND-URBAN INTERFACE AREAS; PROVIDING THAT THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION MAY REVIEW AND CERTIFY FIRE PREVENTION ACTIONS TAKEN BY A PROPERTY OWNER AT THE PROPERTY OWNER'S REQUEST; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Wildland-urban interface fire prevention guidelines -- certification for eligibility for insurance premium reduction.** (1) The department of natural resources and conservation shall, in cooperation with any federal land management agency if appropriate, develop and prescribe fire prevention and precautionary measures to reduce the impact of fire damage to residential and commercial property located in a wildland-urban interface area.

(2) The fire prevention measures may include but are not limited to:

- (a) clearing of trees and brush near structures;
- (b) landscaping efforts designed to provide a defensible space around structures;
- (c) maintaining adequate outside water sources and a means of powering water pumping or delivery equipment;
- (d) maintaining adequate ingress and egress routes to facilitate firefighting efforts; and
- (e) using fire-resistant noncombustible building materials in construction.

(3) (a) The department of natural resources and conservation may certify, at the property owner's request, the fire prevention measures taken by the property owner to qualify for a reduction in homeowner or commercial property insurance premiums provided for in [section 2].

(b) If the department of natural resources and conservation certifies the measures taken by a

1 property owner under subsection (2), the department shall provide the property owner with a copy of the  
2 fire prevention certification.

3 (4) For the purposes of this section, "wildland-urban interface area" means the area where human  
4 developments meet or intermix with wildland fuels and result in the following conditions:

5 (a) interface conditions where there is a clear line of demarcation between the structures and the  
6 wildland fuels along roads or back fences;

7 (b) intermix conditions where structures are scattered throughout a wildland area and there is no  
8 clear line of demarcation;

9 (c) occluded conditions where structures abut an island of wildland fuels and there is a clear line  
10 of demarcation; or

11 (d) rural conditions where scattered small clusters of structures are exposed to wildland fuels.

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13 **NEW SECTION. Section 2. Premium reduction for property owners in wildland-urban interface**  
14 **areas.** (1) For the purposes of this section, "wildland-urban interface area" has the same meaning as  
15 provided in [section 1].

16 (2) Any rates, rating schedules, or rating manuals for homeowner or commercial property  
17 insurance policies filed with the department must provide an appropriate premium reduction, as determined  
18 by the insurer, for an insured living in a wildland-urban interface area who complies with the provisions  
19 of [section 1].

20 (3) Any discount used by the insurer is presumed appropriate unless credible evidence  
21 demonstrates otherwise.

22 (4) (a) If an insured in a wildland-urban interface area is not receiving the premium reduction  
23 authorized by this section, the insured may apply to the insured's insurer for the premium reduction.

24 (b) If an insured is denied a premium reduction, the insured may appeal that decision to the  
25 commissioner. If the insured has been certified by the department of natural resources and conservation  
26 as provided in [section 1], the insured may provide the commissioner with a copy of the certification  
27 demonstrating compliance with fire prevention measures. The commissioner may determine if the insured  
28 is entitled to a premium reduction.

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30 **NEW SECTION. Section 3. Codification instruction.** (1) [Section 1] is intended to be codified as

1 an integral part of Title 76, chapter 11, part 1, and the provisions of Title 76, chapter 11, part 1, apply  
2 to [section 1].

3 (2) [Section 2] is intended to be codified as an integral part of Title 33, chapter 16, part 2, and  
4 the provisions of Title 33, chapter 16, part 2, apply to [section 2].

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6 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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8 NEW SECTION. **Section 5. Applicability.** [This act] applies to all contracts for insurance that are  
9 subject to the provisions of [sections 1 and 2] and are entered into or renewed on or after [the effective  
10 date of this act].

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