

**Effective 5/8/2018**

**53-7-225.1 Civil liability.**

- (1)
  - (a) An individual who negligently, recklessly, or intentionally causes or spreads a fire through discharge of a class C explosive is liable for the cost of suppressing that fire and any damages the fire causes.
  - (b) If the individual described in Subsection (1)(a) is a minor, the parent or legal guardian having legal custody of the minor is liable for the costs and damages for which the minor is liable under this section.
  - (c) A court may waive part or all of the parent or guardian's liability for damages under Subsection (1)(b) if the court finds:
    - (i) good cause; and
    - (ii) that the parent or legal guardian:
      - (A) made a reasonable effort to supervise and direct the minor; or
      - (B) in the event the parent or guardian knew in advance of the negligent, reckless, or intentional conduct described in Subsection (1)(a), made a reasonable effort to restrain the minor.
- (2)
  - (a) The conduct described in Subsection (1) includes any negligent, reckless, or intentional conduct, regardless of whether:
    - (i) the person discharges a class C common state approved explosive:
      - (A) within the permitted time periods described in Subsection 53-7-225(3); or
      - (B) in an area where discharge was not prohibited under Subsection 53-7-225(5)(b) or (c); or
    - (ii) the fire begins on:
      - (A) private land;
      - (B) land owned by the state or a political subdivision of the state;
      - (C) federal land; or
      - (D) tribal land.
  - (b) Discharging a class C explosive in an area in which fireworks are prohibited due to hazardous environmental conditions, in accordance with Subsection 15A-5-202.5(1)(b), constitutes the negligent, reckless, or intentional conduct described in Subsection (1).
- (3) A person who incurs costs to suppress a fire described in Subsection (1) may bring an action under this section to recover those costs against an individual described in Subsection (1).
- (4) A person who suffers damage from a fire described in Subsection (1) may:
  - (a) bring an action under this section for those damages against an individual described in Subsection (1); and
  - (b) pursue all other legal remedies in addition to seeking damages under Subsection (4)(a).