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CHAPTER 34.

 SOUTH CAROLINA PRESCRIBED FIRE ACT

**SECTION 48‑34‑10.** Short title.

This chapter is known as the “South Carolina Prescribed Fire Act”.

**SECTION 48‑34‑20.** Definitions.

As used in this chapter:

(1) “Prescribed fire” means a controlled fire applied to forest, brush, or grassland vegetative fuels under specified environmental conditions and precautions which cause the fire to be confined to a predetermined area and allow accomplishment of the planned land management objectives. It also is known as “controlled burn”.

(2) “Certified prescribed fire manager” means an individual who successfully completes a certification program approved by the State Commission of Forestry.

(3) “Prescribed fire plan” means a written prescription for starting and controlling a prescribed fire.

**SECTION 48‑34‑30.** Authority to promulgate regulations.

The State Commission of Forestry shall promulgate regulations for the use of prescribed fire and for the certification of prescribed fire managers.

**SECTION 48‑34‑40.** Requirements for conducting prescribed fire.

Prescribed fires conducted pursuant to this chapter:

(1) must have a prescribed fire plan prepared before authorization to burn is given by the State Commission of Forestry, and the plan must be on site and followed during the burn;

(2) must have at least one certified prescribed fire manager present and supervising the burn from ignition until it is declared safe according to certification guidelines;

(3) are considered in the public interest and do not constitute a public or private nuisance when conducted pursuant to state air pollution statutes, smoke management guidelines, and regulations applicable to the use of prescribed fire;

(4) are considered a property right of the property owner.

**SECTION 48‑34‑50.** Liability for damages, injury, or loss caused by prescribed fire.

No property owner or lessee or his agent or employee conducting a prescribed fire pursuant to this chapter is liable for damage, injury, or loss caused by fire, resulting smoke, or other consequences of the prescribed fire unless negligence is proven.

**SECTION 48‑34‑60.** Conducting prescribed fire without certified prescribed manager present.

Notwithstanding the requirements of this chapter, a person may conduct a prescribed fire without a certified prescribed fire manager present.