DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2008 session. The unannotated South Carolina Code, consisting only of Code text and numbering, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at [LPITS@scstatehouse.net](mailto:LPITS@scstatehouse.gov) regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

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.