

Part 5

Interstate Emergency Responder Mutual Aid Agreement

53-2a-501 Title.

This part is known as "Interstate Emergency Responder Mutual Aid Agreement."

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-502 Definitions.

As used in this part:

- (1) "Claim" has the same definition as in the following sections, as applicable:
 - (a) Section 6-902, Idaho Code; or
 - (b) Section 63G-7-102, Utah Code Annotated.
- (2) "Emergency":
 - (a) means a situation where it reasonably appears that the life or safety of a person is at peril or real or personal property is at risk of destruction or loss;
 - (b) includes disasters, fires, persons who are lost or missing, boats that are sinking or are in danger of sinking, medical situations where care is needed, and transportation of persons by ambulance; and
 - (c) is not limited in duration to a discrete period of time.
- (3)
 - (a) "Emergency responder" means a person whose duties include providing services to protect property or the life or safety of any person and who is:
 - (i) employed by a governmental entity of another state;
 - (ii) temporarily employed by a governmental entity; or
 - (iii) a volunteer who is serving at the request of a governmental entity.
 - (b) "Emergency responder" includes:
 - (i) law enforcement officers, fire fighters, search and rescue personnel, emergency medical technicians, ambulance personnel, Department of Natural Resources employees, park rangers, public utilities workers, and volunteers participating in search and rescue and other emergency management operations; and
 - (ii) persons and parties identified in the interstate mutual aid agreement.
- (4) "Interstate mutual aid agreement" means an agreement that establishes procedures for claims against an out-of-state emergency responder, and that:
 - (a) is established reciprocally between the Utah Highway Patrol and the Idaho State Police;
 - (b) is on file with the Utah Highway Patrol; and
 - (c) has a duration of one year from the time the agreement is entered into by Utah and Idaho.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-503 Notice of claim requirements.

- (1) Any claim against an emergency responder or the responder's employer shall be treated for the purpose of a notice of claim as a claim against the state.
- (2) The person making the claim shall comply with:
 - (a) Title 63G, Chapter 7, Governmental Immunity Act of Utah; and
 - (b) any notice of claim requirements of the state where the emergency responder resides or is employed as an emergency responder.

- (3) The person filing the claim shall provide a copy of the notice of claim with the Idaho secretary of state if the claim is filed in Utah, or with the Utah attorney general if the claim is filed in Idaho.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-504 Emergency responder entering Utah to respond to an emergency.

An emergency responder who enters into Utah in response to a request for assistance by an official or emergency responder of Utah or pursuant to an agreement providing for interstate mutual aid is considered to be responding to an emergency.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-505 Privileges and immunities of law enforcement officers.

Any law enforcement officer of another state and the officer's employer are specifically entitled to the application of this part if the law enforcement officer is empowered to act under Section 19-701, Idaho Code, or an interstate mutual aid agreement.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-506 Privileges and immunities of emergency responders.

- (1) An emergency responder from another state who enters into this state has the same authority to act as an emergency responder of this state while:
 - (a) responding to an emergency, including providing care; or
 - (b) providing aid or assistance at the request of a public agency in this state.
- (2) All privileges and immunities from liability, exemption from law, ordinances, and rules, and any other benefits, which apply to an emergency responder while performing duties in the responder's state of residence or state of employment as a responder, apply when the emergency responder is acting as an emergency responder in this state.

Amended by Chapter 452, 2023 General Session

53-2a-507 Legislative findings -- Comity with Idaho.

- (1) The Legislature finds, with regard to emergency responders, that:
 - (a) Title 6, Chapter 9, of the Idaho Code, regarding the governmental immunity laws of Idaho, is consistent with the public policy of Utah; and
 - (b) based on the legislative finding under Subsection (1)(a), the governmental immunity laws of Idaho apply to any claim, including any lawsuit, brought against an emergency responder, who resides in or is employed as an emergency responder in Idaho, and the emergency responder's employer, based on the emergency responder's actions in Utah when acting as an emergency responder.
- (2) The Legislature finds:
 - (a) the damage caps in the governmental immunity laws of Idaho, although not identical to the damage caps under Section 63G-7-604, Utah Code Annotated, are consistent with the public policy of Utah; and
 - (b) the damage caps of Idaho apply to any claim, including any lawsuit, brought against an emergency responder, who resides in or is employed as an emergency responder in Idaho, and the emergency responder's employer, based on the emergency responder's actions in Utah when acting as an emergency responder.

Renumbered and Amended by Chapter 295, 2013 General Session

53-2a-508 Chapter takes effect when Idaho provisions enacted.

- (1) This chapter takes effect when statutory provisions are enacted by Idaho that are reciprocal to the provisions of this part.
- (2) This part remains in effect as long as the statutory provisions enacted by Idaho under Subsection (1) are in effect.

Renumbered and Amended by Chapter 295, 2013 General Session