

54-9-105 Limitations on liability.

- (1)
 - (a) Each public power entity and power utility may be held liable only for its own acts, omissions, and obligations with respect to the planning, financing, construction, acquisition, administration, operation, ownership, repair, or maintenance of the common facilities and may not be jointly or severally liable for the acts, omissions, or obligations of others.
 - (b) Subsection (1)(a) may not be construed to:
 - (i) affect the liability of a public power entity or power utility with respect to its contractual obligations, including a contractual obligation to indemnify a construction, operation, or administrative agent for the common facilities; or
 - (ii) affect an immunity or other protection that may be available to a public power entity or power utility under applicable law.
- (2) No money, materials, or other contribution supplied by a public power entity may be credited or otherwise applied to the account of any other owner in the common facilities, nor may the undivided share of a public power entity be charged, directly or indirectly, with any debt or obligation of any other owner or be subject to any lien as a result thereof.
- (3) No action in connection with common facilities may be binding upon a public power entity unless the action or the agreement under which the action is taken is authorized or approved by a resolution or ordinance of its governing body.

Renumbered and Amended by Chapter 286, 2002 General Session