

**GOVERNMENTAL IMMUNITY FOR TRANSPORTING PERSONS
FROM REMOTE OR INACCESSIBLE AREAS**

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Leonard M. Blackham

This act modifies the Governmental Immunity Act. The bill adds an exception for waiver of immunity for injury caused by negligent act or omission of employee when transporting injured persons to a place where medical assistance can be rendered or an ambulance is available.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

63-30-10, as last amended by Chapters 159 and 264, Laws of Utah 1996

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63-30-10** is amended to read:

63-30-10. Waiver of immunity for injury caused by negligent act or omission of employee -- Exceptions.

Immunity from suit of all governmental entities is waived for injury proximately caused by a negligent act or omission of an employee committed within the scope of employment except if the injury arises out of, in connection with, or results from:

- (1) the exercise or performance or the failure to exercise or perform a discretionary function, whether or not the discretion is abused;
- (2) assault, battery, false imprisonment, false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit, interference with contract rights, infliction of mental anguish, or violation of civil rights;
- (3) the issuance, denial, suspension, or revocation of or by the failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, approval, order, or similar authorization;
- (4) a failure to make an inspection or by making an inadequate or negligent inspection;
- (5) the institution or prosecution of any judicial or administrative proceeding, even if malicious or without probable cause;

- (6) a misrepresentation by an employee whether or not it is negligent or intentional;
- (7) riots, unlawful assemblies, public demonstrations, mob violence, and civil disturbances;
- (8) the collection of and assessment of taxes;
- (9) the activities of the Utah National Guard;
- (10) the incarceration of any person in any state prison, county or city jail, or other place of legal confinement;
- (11) any natural condition on publicly owned or controlled lands, any condition existing in connection with an abandoned mine or mining operation, or any activity authorized by the School and Institutional Trust Lands Administration or the Division of Forestry, Fire and State Lands;
- (12) research or implementation of cloud management or seeding for the clearing of fog;
- (13) the management of flood waters, earthquakes, or natural disasters;
- (14) the construction, repair, or operation of flood or storm systems;
- (15) the operation of an emergency vehicle, while being driven in accordance with the requirements of Section 41-6-14;
- (16) a latent dangerous or latent defective condition of any highway, road, street, alley, crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on them;
- (17) a latent dangerous or latent defective condition of any public building, structure, dam, reservoir, or other public improvement;
- (18) the activities of:
 - (a) providing emergency medical assistance;
 - (b) fighting fire;
 - (c) regulating, mitigating, or handling hazardous materials or hazardous wastes;
 - (d) emergency evacuations; [~~or~~]
 - (e) transporting or removing injured persons to a place where emergency medical assistance can be rendered or where the person can be transported by a licensed ambulance service; or
 - [~~e~~] (f) intervening during dam emergencies; or
- (19) the exercise or performance or the failure to exercise or perform any function pursuant to Title 73, Chapter 5a, Dam Safety, or Title 73, Chapter 10, Board of Water Resources - Division

of Water Resources, which immunity is in addition to all other immunities granted by law.