

PUBLIC SAFETY SERVICES CROSSING STATE BORDERS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lyle W. Hillyard

House Sponsor: Fred R Hunsaker

LONG TITLE

General Description:

This bill recognizes a mutual aid agreement regarding emergency responders who cross state borders in response to an emergency.

Highlighted Provisions:

This bill:

- ▶ establishes recognition of a mutual aid agreement established between states regarding emergency responders who cross state borders in response to an emergency;
- ▶ provides definitions;
- ▶ establishes terms for the filing of claims and the limits of recovery against an emergency responder who crosses the border between Utah and Idaho as part of providing an emergency response;
- ▶ provides legislative findings on public policy regarding emergency responder mutual aid, including damage caps; and
- ▶ takes effect when Idaho enacts reciprocal legislation.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

ENACTS:

63K-5-101, Utah Code Annotated 1953

- 30 **63K-5-102**, Utah Code Annotated 1953
- 31 **63K-5-201**, Utah Code Annotated 1953
- 32 **63K-5-301**, Utah Code Annotated 1953
- 33 **63K-5-302**, Utah Code Annotated 1953
- 34 **63K-5-303**, Utah Code Annotated 1953
- 35 **63K-5-401**, Utah Code Annotated 1953
- 36 **63K-5-402**, Utah Code Annotated 1953



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

39 Section 1. Section **63K-5-101** is enacted to read:

40 **CHAPTER 5. INTERSTATE EMERGENCY RESPONDER MUTUAL AID**

41 **AGREEMENT**

42 **Part 1. General Provisions**

43 **63K-5-101. Title.**

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

45 Section 2. Section **63K-5-102** is enacted to read:

46 **63K-5-102. Definitions.**

47 As used in this chapter:

48 (1) "Claim" has the same definition as in the following sections, as applicable:

49 (a) Section 6902, Idaho Code; or

50 (b) Section 63G-7-102, Utah Code Annotated.

51 (2) "Emergency":

52 (a) means a situation where it reasonably appears that the life or safety of a person is at
53 peril or real or personal property is at risk of destruction or loss;

54 (b) includes disasters, fires, persons who are lost or missing, boats that are sinking or
55 are in danger of sinking, medical situations where care is needed, and transportation of
56 persons by ambulance; and

57 (c) is not limited in duration to a discrete period of time.

86 claim is filed in Idaho.

87 Section 4. Section **63K-5-301** is enacted to read:

88 **Part 3. Emergency Responder Acting in Another State**

89 **63K-5-301. Emergency responder entering Utah to respond to an emergency.**

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

93 Section 5. Section **63K-5-302** is enacted to read:

94 **63K-5-302. Privileges and immunities of law enforcement officers.**

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

98 Section 6. Section **63K-5-303** is enacted to read:

99 **63K-5-303. Privileges and immunities of emergency responders.**

100 (1) Any emergency responder from another state who enters into this state while
101 responding to an emergency has the same authority to act, including providing care, as does
102 any emergency responder of this state.

103 (2) All privileges and immunities from liability, exemption from law, ordinances, and
104 rules, and any other benefits, which apply to an emergency responder while performing duties
105 in the responder's state of residence or state of employment as a responder, apply when the
106 emergency responder is acting as an emergency responder in Utah.

107 Section 7. Section **63K-5-401** is enacted to read:

108 **Part 4. Comity**

109 **63K-5-401. Legislative findings -- Comity with Idaho.**

110 (1) The Legislature finds, with regard to emergency responders, that:

111 (a) Title 9, Chapter 6, of the Idaho Code, regarding the governmental immunity laws
112 of Idaho, is consistent with the public policy of Utah; and

113 (b) based on the legislative finding under Subsection (1)(a), the governmental

114 immunity laws of Idaho apply to any claim, including any lawsuit, brought against an
115 emergency responder, who resides in or is employed as an emergency responder in Idaho, and
116 the emergency responder's employer, based on the emergency responder's actions in Utah
117 when acting as an emergency responder.

118 (2) The Legislature finds:

119 (a) the damage caps in the governmental immunity laws of Idaho, although not
120 identical to the damage caps under Section 63G-7-604, Utah Code Annotated, are consistent
121 with the public policy of Utah; and

122 (b) the damage caps of Idaho apply to any claim, including any lawsuit, brought
123 against an emergency responder, who resides in or is employed as an emergency responder in
124 Idaho, and the emergency responder's employer, based on the emergency responder's actions in
125 Utah when acting as an emergency responder.

126 Section 8. Section **63K-5-402** is enacted to read:

127 **63K-5-402. Chapter takes effect when Idaho provisions enacted.**

128 (1) This chapter takes effect when statutory provisions are enacted by Idaho that are
129 reciprocal to the provisions of this chapter.

130 (2) This chapter remains in effect as long as the statutory provisions enacted by Idaho
131 under Subsection (1) are in effect.

132 Section 9. **Effective date.**

133 If approved by two-thirds of all the members elected to each house, this bill takes effect
134 upon approval by the governor, or the day following the constitutional time limit of Utah
135 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
136 the date of veto override.