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	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
1	regarding emergency responders who cross state borders in response to an
6	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

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63K-5-102 , Utah Code Annotated 1953
63K-5-201 , Utah Code Annotated 1953
63K-5-301 , Utah Code Annotated 1953
63K-5-302 , Utah Code Annotated 1953
63K-5-303 , Utah Code Annotated 1953
63K-5-401 , Utah Code Annotated 1953
63K-5-402 , Utah Code Annotated 1953
Be it enacted by the Legislature of the state of Utah:
Section 1. Section 63K-5-101 is enacted to read:
CHAPTER 5. INTERSTATE EMERGENCY RESPONDER MUTUAL AID
AGREEMENT
Part 1. General Provisions
<u>63K-5-101.</u> Title.
This chapter is known as "Interstate Emergency Responder Mutual Aid Agreement."
Section 2. Section 63K-5-102 is enacted to read:
<u>63K-5-102.</u> Definitions.
As used in this chapter:
(1) "Claim" has the same definition as in the following sections, as applicable:
(a) Section 6902, 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.

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58	(3) (a) "Emergency responder" means a person whose duties include providing
59	services to protect property or the life or safety of any person and who is:
60	(i) employed by a governmental entity of another state;
61	(ii) temporarily employed by a governmental entity; or
62	(iii) a volunteer who is serving at the request of a governmental entity.
63	(b) "Emergency responder" includes:
64	(i) law enforcement officers, fire fighters, search and rescue personnel, emergency
65	medical technicians, ambulance personnel, Department of Natural Resources employees, park
66	rangers, and volunteers participating in search and rescue operations; and
67	(ii) persons and parties identified in the interstate mutual aid agreement.
68	(4) "Interstate mutual aid agreement" means an agreement that establishes procedures
69	for claims against an out-of-state emergency responder, and that:
70	(a) is established reciprocally between the Utah Highway Patrol and the Idaho State
71	Police;
72	(b) is on file with the Utah Highway Patrol; and
73	(c) has a duration of one year from the time the agreement is entered into by Utah and
74	Idaho.
75	Section 3. Section 63K-5-201 is enacted to read:
76	Part 2. Notice of Claim
77	63K-5-201. Notice of claim requirements.
78	(1) Any claim against an emergency responder or the responder's employer shall be
79	treated for the purpose of a notice of claim as a claim against the state.
80	(2) The person making the claim shall comply with:
81	(a) Title 63G, Chapter 7, Governmental Immunity Act of Utah; and
82	(b) any notice of claim requirements of the state where the emergency responder
83	resides or is employed as an emergency responder.
84	(3) The person filing the claim shall provide a copy of the notice of claim with the
85	Idaho secretary of state if the claim is filed in Utah, or with the Utah attorney general if the

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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

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the date of veto override.

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.
Section 8. Section 63K-5-402 is enacted to read:
63K-5-402. 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 chapter.
(2) This chapter remains in effect as long as the statutory provisions enacted by Idaho
under Subsection (1) are in effect.
Section 9. Effective date.
If approved by two-thirds of all the members elected to each house, this bill takes effect
upon approval by the governor, or the day following the constitutional time limit of Utah
Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,