

1 **PUBLIC SAFETY SERVICES CROSSING STATE BORDERS**

2 2010 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Lyle W. Hillyard**

5 House Sponsor: Fred R Hunsaker

6

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**

26 This bill provides an immediate effective date.

27 **Utah Code Sections Affected:**



28 ENACTS:

29 **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 persons
56 by ambulance; and

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

58 (3) (a) "Emergency responder" means a person whose duties include providing services

59 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
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 by
91 an official or emergency responder of Utah or pursuant to an agreement providing for interstate
92 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 any
102 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 of
112 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 when
117 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 against
123 an emergency responder, who resides in or is employed as an emergency responder in Idaho,
124 and the emergency responder's employer, based on the emergency responder's actions in Utah
125 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.

Legislative Review Note
as of 2-8-10 5:07 PM

Office of Legislative Research and General Counsel

S.B. 67 - Public Safety Services Crossing State Borders

Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
