



**Colorado  
Legislative  
Council  
Staff**

**SB17-100**

**FINAL  
FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 17-0779 **Date:** June 14, 2017  
**Prime Sponsor(s):** Sen. Sonnenberg **Bill Status:** Signed into Law  
 Rep. Landgraf; Arndt **Fiscal Analyst:** Clare Pramuk (303-866-2677)

**BILL TOPIC:** LAND STEWARDSHIP VOLUNTEER GRANTEE IMMUNITY

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Minimal workload reduction. See State Expenditures section.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing minimal workload reduction.		

**Summary of Legislation**

This bill amends the Colorado Recreational Trails System Act of 1971 to include legal protections for volunteers and nonprofits who perform land stewardship on public lands. The bill provides immunity from civil liability for volunteers for any act or omission that results in damage or injury if the volunteer was acting within the scope of her or her duties performing land stewardship activities under a grant, unless the damage or injury was caused by gross negligence or a willful and wanton act or omission. The minimum basis for liability for a nonprofit organization or volunteer serving as an officer, director, or trustee of a nonprofit organization is a reckless act or omission.

Immunity does not extend to the operation of a motor vehicle unless the operation of the vehicle is an integral part of, and physically proximate to, a land stewardship activity and within the scope of the volunteer's duties. However, a plaintiff may sue and recover civil damages from a volunteer based upon a negligent act or omission involving the operation of a motor vehicle during a land stewardship activity only up to the volunteer's policy limits.

A grant, procurement contract, or other agreement concerning the conduct of land stewardship activities cannot differentiate between construction and maintenance for liability purposes or require a nonprofit organization or volunteer to carry completed operations liability coverage.

**Background**

**Federal Volunteer Protection Act (VPA).** The VPA provides legal protection to nonprofit organizations' and governmental entities' volunteers for harm caused by their acts or omissions on behalf of the organization or entity. Protection under the VPA does not apply if the volunteer

engages in willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer. The VPA does not apply if the volunteer causes harm by operating a motor vehicle, vessel, aircraft, or other vehicle for which the state requires its operator to possess an operator's license or maintain insurance.

**Colorado Volunteer Service Act (VSA).** Under the VSA, volunteers are immune from civil liability in any action based on an act or omission of the volunteer that resulted in damage or injury unless caused by the willful or wanton conduct of the volunteer. Immunity under the VSA does not extend to operation of a vehicle, but recovery by a plaintiff may not exceed the volunteer's insurance limits.

**Colorado Parks and Wildlife Trails Program.** The Colorado Parks and Wildlife Trails Program issues grants for a variety of activities including technical assistance and training on trail design, development, and maintenance. Recipients include local, county, state, and federal government agencies, special recreation districts, and non-profit organizations. For FY 2016-17, trails grants are appropriated \$2.2 million cash and federal funds in the Long Bill, though the amount ultimately spent will vary based on Great Outdoors Colorado and federal funding available.

### **State Expenditures**

This bill may minimally reduce the workload for Colorado Parks and Wildlife in the Department of Natural Resources (DNR) and for trial courts in the Judicial Department.

**Colorado Parks and Wildlife, DNR.** This bill is expected to reduce the amount of staff time spent responding to questions from trails grantees about liability requirements, but this reduction in workload is expected to be minimal and not require a reduction in DNR appropriations.

**Trial Courts, Judicial Department.** This bill may reduce civil filings against volunteers, but any reduction is expected to be minimal and not require a reduction in court appropriations.

### **Effective Date**

The bill was signed into law by the Governor on April 6, 2017, and takes effect August 9, 2017, assuming no referendum petition is filed.

### **State and Local Government Contacts**

Information Technology

Judicial

Natural Resources