

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 24-0734.01 Christopher McMichael x4775

HOUSE BILL 24-1309

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A BILL FOR AN ACT

101 **CONCERNING PROTECTION FOR PERSONS ASSISTING IN VOLUNTEER**
102 **HELICOPTER SEARCH AND RESCUE OPERATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill extends immunity from civil liability for damage or injury, other than that which arises from gross negligence or willful misconduct, to an individual, nonprofit organization, for-profit corporation, private organization, or other person (person) that voluntarily operates or arranges for the use of a helicopter during backcountry search and rescue operations (search and rescue operations), if the person:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
3rd Reading Unamended
April 2, 2024

SENATE
2nd Reading Unamended
April 1, 2024

HOUSE
3rd Reading Unamended
March 7, 2024

HOUSE
Amended 2nd Reading
March 6, 2024

- Arranges or operates the helicopter on behalf of the governmental entity that is leading the search and rescue operation;
- Has an agreement with the governmental entity;
- Is, employs, or otherwise contracts with a pilot that is properly licensed to operate the helicopter; and
- Meets certain safety and training certifications and requirements.

The bill also establishes criteria that volunteer helicopter pilots and the helicopters used in search and rescue operations must satisfy in order for the volunteer helicopter owner or operator to qualify for immunity under the bill.

The bill requires the office of emergency management, the department of military and veterans affairs, and relevant county sheriffs to establish safety, notification, and airspace deconfliction guidelines during search and rescue operations.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
 3 finds and declares that:

4 (a) Colorado residents and visitors enjoy outdoor recreation, and
 5 the number of people participating in outdoor and backcountry recreation
 6 activities has increased significantly in recent years;

7 (b) Search and rescue calls are at an all-time high as outdoor
 8 recreation continues to gain popularity, particularly in Colorado's
 9 backcountry areas;

10 (c) Helicopters are an invaluable asset to rescue units and
 11 backcountry search and rescue teams that are searching for lost or injured
 12 individuals in Colorado's backcountry and rugged outdoor terrain;

13 (d) Helicopters allow rescue units and backcountry search and
 14 rescue teams to access otherwise inaccessible areas and search large areas
 15 quickly, thereby increasing the likelihood of a successful search and
 16 rescue operation and decreasing the number of volunteers needed;

1 (e) Due to limited resources and the necessity of conducting
2 search and rescue operations quickly and efficiently, reliance on privately
3 owned helicopters in the conduct of search and rescue missions in the
4 state has increased; however, there have been major market disruptions
5 to helicopter insurance policies in recent years, which phenomenon has
6 decreased the willingness of private entities to volunteer the use of their
7 helicopters for such missions; and

8 (f) With fewer privately owned helicopters available for
9 backcountry search and rescue operations, many Coloradans and visitors
10 to the state will be at greater risk in the event that they are lost or injured
11 in Colorado's backcountry and outdoor recreation areas.

12 (2) Therefore, the general assembly declares that it is in the best
13 interest of Colorado residents and visitors to the state to provide
14 protection to private individuals and entities that volunteer the use of their
15 helicopters during search and rescue operations by giving them immunity
16 from civil liability while they are assisting and participating in rescue or
17 backcountry search and rescue operations.

18 **SECTION 2.** In Colorado Revised Statutes, 13-21-115.5, **add**
19 (4.5) as follows:

20 **13-21-115.5. Volunteer service act - immunity - exception for**
21 **operation of motor vehicles - exception for helicopter search and**
22 **rescue - short title - legislative declaration - definitions.** (4.5) (a) AS
23 USED IN THIS SUBSECTION (4.5), UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

25 (I) "BACKCOUNTRY SEARCH AND RESCUE" HAS THE MEANING SET
26 FORTH IN SECTION 33-1-102 (1.3).

27 (II) (A) "GOVERNMENTAL ENTITY" MEANS THE STATE, ANY STATE

1 AGENCY OR INSTITUTION, OR ANY AUTHORITY, COUNTY, CITY, CITY AND
2 COUNTY, SPECIAL DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE
3 STATE OR ANY TRIBAL GOVERNMENT WITH JURISDICTION IN COLORADO.

4 (B) "GOVERNMENTAL ENTITY" INCLUDES ANY INSTITUTION,
5 DEPARTMENT, AGENCY, OR AUTHORITY OF ANY ENTITY LISTED IN
6 SUBSECTION (4.5)(a)(II)(A) OF THIS SECTION.

7 (III) "RESCUE UNIT" HAS THE MEANING SET FORTH IN SECTION
8 25-3.5-103 (11).

9 (IV) "SEARCH AND RESCUE OPERATION" MEANS THE OPERATION
10 OF A RESCUE UNIT OR A BACKCOUNTRY SEARCH AND RESCUE.

11 (V) NOTWITHSTANDING THE DEFINITION OF "VOLUNTEER" IN
12 SUBSECTION (3)(c) OF THIS SECTION, "VOLUNTEER" MEANS AN
13 INDIVIDUAL, NONPROFIT ORGANIZATION, FOR-PROFIT CORPORATION,
14 PRIVATE ORGANIZATION, OR OTHER PERSON THAT PARTICIPATES AS A
15 VOLUNTEER IN A SEARCH AND RESCUE OPERATION BY ARRANGING OR
16 OPERATING A HELICOPTER FOR USE IN A SEARCH AND RESCUE OPERATION,
17 OR BY ASSISTING AS A HELICOPTER CREW MEMBER IN A SEARCH AND
18 RESCUE OPERATION, WITHOUT COMPENSATION FROM A GOVERNMENTAL
19 ENTITY, OTHER THAN REIMBURSEMENT FOR ACTUAL EXPENSES INCURRED.

20 (b) A VOLUNTEER IS IMMUNE FROM CIVIL LIABILITY IN ANY ACTION
21 ON THE BASIS OF ANY ACT OR OMISSION OF THE VOLUNTEER RESULTING IN
22 DAMAGE OR INJURY IF:

23 (I) THE VOLUNTEER ARRANGES THE USE OF, OPERATES, OR ASSISTS
24 AS A CREW MEMBER OF A HELICOPTER:

25 (A) FOR THE BENEFIT OF A RESCUE UNIT OR BACKCOUNTRY
26 SEARCH AND RESCUE;

27 (B) ON BEHALF OF A GOVERNMENTAL ENTITY THAT IS LEADING

1 THE RESCUE UNIT OR CONDUCTING THE BACKCOUNTRY SEARCH AND
2 RESCUE;

3 (C) THAT MEETS THE SAFETY AND TRAINING REQUIREMENTS
4 DESCRIBED IN SUBSECTION (4.5)(c)(II) OF THIS SECTION;

5 (D) UNDER A MEMORANDUM OF UNDERSTANDING OR OTHER
6 AGREEMENT WITH THE GOVERNMENTAL ENTITY; AND

7 (E) THAT IS OPERATED IN COMPLIANCE WITH THE FEDERAL
8 AVIATION ADMINISTRATION'S 2018 ADVISORY CIRCULAR AC 00-1.1B,
9 APPENDIX A, "PUBLIC AIRCRAFT OPERATIONS - MANNED AND
10 UNMANNED", AS MAY BE UPDATED BY THE FEDERAL AVIATION
11 ADMINISTRATION;

12 (II) THE VOLUNTEER IS:

13 (A) A PILOT WHO SATISFIES, OR EMPLOYS OR CONTRACTS WITH
14 ONE OR MORE PILOTS WHO SATISFY, THE REQUIREMENTS SPECIFIED IN
15 SUBSECTION (4.5)(c)(I) OF THIS SECTION;

16 (B) IN COMPLIANCE WITH ALL REQUIREMENTS OF THE FEDERAL
17 AVIATION ADMINISTRATION FOR RECENT FLIGHT EXPERIENCE; AND

18 (C) NOT COMPENSATED BY THE GOVERNMENTAL ENTITY FOR
19 ASSISTING IN A SEARCH AND RESCUE OPERATION, OTHER THAN
20 REIMBURSEMENT FOR ACTUAL EXPENSES INCURRED; AND

21 (III) THE DAMAGE OR INJURY WAS NOT CAUSED BY WILLFUL OR
22 CRIMINAL MISCONDUCT, GROSS NEGLIGENCE, OR A CONSCIOUS, FLAGRANT
23 INDIFFERENCE TO THE RIGHTS OR SAFETY OF ANY INDIVIDUALS HARMED BY
24 THE VOLUNTEER.

25 (c) (I) A VOLUNTEER THAT OPERATES A HELICOPTER AS PART OF
26 SEARCH AND RESCUE OPERATIONS IN ACCORDANCE WITH THIS SUBSECTION
27 (4.5) MUST:

1 (A) HAVE EXPERIENCE IN MOUNTAINOUS LANDINGS, HIGH
2 ALTITUDE OPERATIONS, CONFINED AREA LANDINGS, AND SNOW
3 OPERATIONS;

4 (B) POSSESS A COMMERCIAL PILOT LICENSE AND INSTRUMENT
5 RATING;

6 (C) HAVE A MINIMUM OF ONE THOUSAND FIVE HUNDRED HOURS OF
7 TOTAL FLIGHT TIME, INCLUDING AT LEAST FIVE HUNDRED HOURS OF
8 MOUNTAINOUS HELICOPTER TIME AND AT LEAST ONE HUNDRED HOURS OF
9 FLIGHT TIME IN THE TYPE OF HELICOPTER USED IN THE SEARCH AND
10 RESCUE OPERATION; AND

11 (D) BE CERTIFIED, WITHIN THE PREVIOUS TWELVE MONTHS, BY THE
12 HELICOPTER MANUFACTURER'S INSTRUCTOR, A COMPANY CHECK PILOT, OR
13 A FEDERAL AVIATION ASSOCIATION-CERTIFIED AND -RATED FLIGHT
14 INSTRUCTOR TO OPERATE THE HELICOPTER USED IN THE SEARCH AND
15 RESCUE OPERATION.

16 (II) THE OWNER OR OPERATOR OF A HELICOPTER USED IN SEARCH
17 AND RESCUE OPERATIONS MUST ENSURE THAT THE HELICOPTER MEETS THE
18 FOLLOWING SAFETY AND TRAINING REQUIREMENTS:

19 (A) THE HELICOPTER IS CAPABLE OF OPERATION AT THE ALTITUDE,
20 IN THE TERRAIN, AND IN THE WEATHER CONDITIONS NECESSARY FOR THE
21 RESCUE OR THE SEARCH AND RESCUE OPERATION;

22 (B) THE HELICOPTER HAS BEEN USED AS PART OF A TRAINING
23 PROGRAM WITH THE RESCUE UNIT OR BACKCOUNTRY SEARCH AND RESCUE
24 TEAM WITHIN THE TWELVE MONTHS IMMEDIATELY PRECEDING USE OF THE
25 HELICOPTER IN A SEARCH AND RESCUE OPERATION;

26 (C) THE HELICOPTER IS OPERATED UNDER A SAFETY MANAGEMENT
27 SYSTEM THAT HAS BEEN APPROVED BY AN INDEPENDENT THIRD PARTY;

1 AND

2 (D) THE HELICOPTER IS MAINTAINED IN ACCORDANCE WITH
3 REGULATIONS PROMULGATED BY THE FEDERAL AVIATION
4 ADMINISTRATION FOR THE MAINTENANCE AND ALTERATION OF AIRCRAFT
5 PURSUANT TO 14 CFR 91.401 TO 91.499, AS AMENDED.

6 **SECTION 3.** In Colorado Revised Statutes, **add 24-33.5-120** as
7 follows:

8 **24-33.5-120. Airspace deconfliction working group - search**
9 **and rescue - repeal.** (1) THERE IS CREATED IN THE DEPARTMENT THE
10 AIRSPACE DECONFLICTION WORKING GROUP, REFERRED TO IN THIS SECTION
11 AS THE "WORKING GROUP".

12 (2) ON OR BEFORE AUGUST 1, 2024, THE EXECUTIVE DIRECTOR
13 SHALL APPOINT THE FOLLOWING MEMBERS TO THE WORKING GROUP:

14 (a) TWO MEMBERS FROM THE DEPARTMENT;

15 (b) INCOORDINATION WITH A REPRESENTATIVE FROM THE COUNTY
16 SHERIFFS OF COLORADO, TWO COUNTY SHERIFFS WITH EXPERIENCE IN
17 CONDUCTING SEARCH AND RESCUE OPERATIONS; AND

18 (c) IN COORDINATION WITH THE ADJUTANT GENERAL OF THE
19 DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, CREATED IN SECTION
20 24-1-127, TWO MEMBERS OF THE DEPARTMENT OF MILITARY AND
21 VETERANS AFFAIRS.

22 (3) (a) THE EXECUTIVE DIRECTOR SHALL CALL THE FIRST MEETING
23 OF THE WORKING GROUP.

24 (b) THE WORKING GROUP SHALL MEET AS NECESSARY TO
25 ESTABLISH AIRSPACE DECONFLICTION GUIDELINES IN ACCORDANCE WITH
26 SUBSECTION (4) OF THIS SECTION.

27 (4) (a) ON OR BEFORE JANUARY 1, 2025, THE WORKING GROUP

1 SHALL ESTABLISH AIRSPACE DECONFLICTION GUIDELINES RELATED TO
2 SEARCH AND RESCUE OPERATIONS.

3 (b) THE WORKING GROUP SHALL ENSURE THAT THE AIRSPACE
4 DECONFLICTION GUIDELINES ARE APPLICABLE TO ALL PARTIES INVOLVED
5 IN AERIAL SEARCH AND RESCUE OPERATIONS.

6 (5) THE DEPARTMENT SHALL SEND NOTICE TO ALL RELEVANT
7 ENTITIES, AS DETERMINED BY THE DEPARTMENT, THAT AIRSPACE
8 DECONFLICTION GUIDELINES HAVE BEEN ESTABLISHED AND PUBLISH THE
9 GUIDELINES ON THE DEPARTMENT'S WEBSITE.

10 (6) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2026.

11 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-707, **amend**
12 (10)(b); and **add** (10)(c) as follows:

13 **24-33.5-707. Local and interjurisdictional emergency**
14 **management agencies and services.** (10) The sheriff of each county
15 shall:

16 (b) Make use of the search and rescue capability and resources
17 available within the county and request assistance from the office of
18 emergency management only when and if the sheriff determines such
19 additional assistance is required; AND

20 (c) ESTABLISH A POLICY OR PROCEDURE FOR ADHERING TO THE
21 AIRSPACE DECONFLICTION GUIDELINES ESTABLISHED PURSUANT TO
22 SECTION 24-33.5-120 WHEN THERE COULD BE MULTIPLE AIRCRAFT
23 INVOLVED IN A SEARCH AND RESCUE OPERATION WITHIN THE SHERIFF'S
24 JURISDICTION.

25 **SECTION 5. Safety clause.** The general assembly finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions.