

CHAPTER 17

PROPERTY

HOUSE BILL 25-1053

BY REPRESENTATIVE(S) Mauro and Weinberg, Boesenecker, Velasco, Bacon, Bird, Bradfield, Camacho, Duran, Johnson, Lindsay, Marshall, Martinez, McCormick, Paschal, Richardson, Smith, Soper, Stewart K., Taggart, Titone, Valdez, McCluskie; also SENATOR(S) Marchman and Baisley, Cutter, Amabile, Bridges, Catlin, Exum, Frizell, Jodeh, Kipp, Kirkmeyer, Liston, Michaelson Jenet, Pelton B., Pelton R., Roberts.

AN ACT

CONCERNING LIMITED IMMUNITY FROM CIVIL LIABILITY FOR LANDOWNERS WHO ALLOW ACCESS TO THEIR PROPERTY FOR ENTRY AND EXIT IN CONNECTION WITH AN EMERGENCY.

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

SECTION 1. In Colorado Revised Statutes, **add** 13-21-108.9 as follows:

13-21-108.9. Landowner allowing access to property during emergency - limited immunity - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "EMERGENCY" MEANS:

(I) A FIRE, RESCUE CALL, OR HAZARDOUS MATERIALS INCIDENT;

(II) A NATURAL OR HUMAN-CAUSED DISASTER SUCH AS AN EARTHQUAKE, WILDFIRE, FLOOD, OR SEVERE WEATHER EVENT; OR

(III) AN INCIDENT REASONABLY DETERMINED TO BE AN EMERGENCY BY A FIRST RESPONDER.

(b) "FIRST RESPONDER" MEANS:

(I) A PEACE OFFICER, AS DESCRIBED IN SECTION 16-2.5-101;

(II) A FIREFIGHTER, AS DEFINED IN SECTION 29-5-203 (10);

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(III) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION 31-30-1102 (9)(a);

(IV) AN EMERGENCY MEDICAL SERVICE PROVIDER, AS DEFINED IN SECTION 25-3.5-103 (8); OR

(V) ANY OTHER INDIVIDUAL WHO RESPONDS IN A PROFESSIONAL CAPACITY TO AN INCIDENT THAT THREATENS PUBLIC SAFETY.

(c) "LANDOWNER" HAS THE SAME MEANING SET FORTH IN SECTION 13-21-115 (7)(b).

(2) (a) A LANDOWNER WHO, IN GOOD FAITH AND WITHOUT COMPENSATION, ALLOWS ACCESS TO THE LANDOWNER'S PROPERTY FOR ENTRY AND EXIT IN CONNECTION WITH AN EMERGENCY IS IMMUNE FROM CIVIL LIABILITY FOR DAMAGE OR INJURY TO PERSONS OR PROPERTY AS A RESULT OF ALLOWING SUCH ACCESS. THIS IMMUNITY DOES NOT APPLY TO ACTS OR OMISSIONS THAT ARE GROSSLY NEGLIGENT OR WILLFUL AND WANTON.

(b) THE ACT OF ALLOWING ACCESS TO A LANDOWNER'S PROPERTY FOR ENTRY AND EXIT IN CONNECTION WITH AN EMERGENCY IS NOT A GUARANTEE THAT THE PROPERTY IS MAINTAINED OR IN A PASSABLE CONDITION.

(3) NOTHING IN THIS SECTION:

(a) ABROGATES OR LIMITS THE SOVEREIGN IMMUNITY GRANTED TO PUBLIC ENTITIES PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24;

(b) REQUIRES OR IMPOSES A DUTY ON A LANDOWNER TO MAINTAIN THE LANDOWNER'S PROPERTY IN A SPECIFIC CONDITION;

(c) AUTHORIZES TRESPASS ONTO PRIVATE PROPERTY; OR

(d) PRECLUDES A LANDOWNER FROM NEGOTIATING ADDITIONAL AGREEMENTS GOVERNING ACCESS TO THE LANDOWNER'S PROPERTY.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to access to property granted on or after the applicable effective date of this act.

Approved: March 20, 2025