

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

DRAFT
8/22/24

BILL 2

LLS NO. 25-0182.01 Rebecca Bayetti x4348

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: Landowner Immunity for Emergency Access to Prop

A BILL FOR AN ACT

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

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/>.)

Wildfire Matters Review Committee. The bill provides immunity from civil liability for damage or injury to persons or property, other than that which arises from gross negligence or willful misconduct, to a landowner who allows access to the landowner's property for entry and exit in connection with an emergency.

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

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

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

4 **13-21-108.9. Landowner allowing access to property during**
5 **emergency - limited immunity - definitions.** (1) AS USED IN THIS
6 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "EMERGENCY" MEANS:

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

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

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

13 (b) "FIRST RESPONDER" MEANS:

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

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

16 (III) A VOLUNTEER FIREFIGHTER, AS DEFINED IN SECTION
17 31-30-1102 (9)(a);

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

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

22 (c) "LANDOWNER" HAS THE MEANING FORTH IN SECTION
23 13-21-115 (7)(b).

24 (2) (a) A LANDOWNER WHO, IN GOOD FAITH AND WITHOUT
25 COMPENSATION, ALLOWS ACCESS TO THE LANDOWNER'S PROPERTY FOR
26 ENTRY AND EXIT IN CONNECTION WITH AN EMERGENCY IS IMMUNE FROM

1 CIVIL LIABILITY FOR DAMAGE OR INJURY TO PERSONS OR PROPERTY AS A
2 RESULT OF ALLOWING SUCH ACCESS. THIS IMMUNITY DOES NOT APPLY TO
3 ACTS OR OMISSIONS THAT ARE GROSSLY NEGLIGENT OR WILLFUL AND
4 WANTON.

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

9 (3) NOTHING IN THIS SECTION:

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

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

15 (c) AUTHORIZES TRESPASS ONTO PRIVATE PROPERTY; OR

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

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

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