

CHAPTER 282

COURTS

SENATE BILL 96-13

BY SENATORS Meiklejohn, Ament, Bishop, Dennis, Hopper, Matsunaka, Mutzebaugh, Norton, Perlmutter, R. Powers, Wattenberg, and Wham;
also REPRESENTATIVES Sullivan, Tucker, and Young.

AN ACT

CONCERNING IMMUNITY FOR DAMAGES ARISING FROM THE ACTS OR OMISSIONS OF SCHOOL CROSSING GUARDS.

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

SECTION 1. Part 1 of article 21 of title 13, Colorado Revised Statutes, 1987 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

13-21-115.6. Immunity from civil liability for school crossing guards and sponsors. (1) As used in this section:

(a) "SCHOOL CROSSING GUARD" MEANS ANY PERSON EIGHTEEN YEARS OF AGE AND OLDER ACTING WITH OR WITHOUT COMPENSATION WHO SUPERVISES, DIRECTS, MONITORS, OR OTHERWISE ASSISTS SCHOOL CHILDREN AT A STREET OR INTERSECTION.

(b) "SCHOOL CROSSING GUARD SPONSOR" MEANS ANY GOVERNMENTAL AGENCY OR SUBDIVISION, INCLUDING BUT NOT LIMITED TO ANY COUNTY, CITY, CITY AND COUNTY, TOWN, OR SCHOOL DISTRICT, AND ANY INDIVIDUAL, VOLUNTEER GROUP, CLUB, OR NONPROFIT CORPORATION THAT SPONSORS, ORGANIZES, OR PROVIDES FOR SCHOOL CROSSING GUARDS.

(2) ANY SCHOOL CROSSING GUARD AND ANY SCHOOL CROSSING GUARD SPONSOR SHALL BE IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION THAT RESULTS IN DAMAGE OR INJURY IF THE SCHOOL CROSSING GUARD WAS ACTING WITHIN THE SCOPE OF SUCH PERSON'S OFFICIAL FUNCTIONS AND DUTIES AS A SCHOOL CROSSING GUARD UNLESS THE DAMAGE OR INJURY WAS CAUSED BY A WILLFUL AND WANTON ACT OR OMISSION OF THE SCHOOL CROSSING GUARD.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(3) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ABROGATE OR LIMIT THE SOVEREIGN IMMUNITY GRANTED TO PUBLIC ENTITIES PURSUANT TO THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 3, 1996