

CHAPTER 207

GOVERNMENT - STATE

HOUSE BILL 04-1353

BY REPRESENTATIVE(S) Schultheis, Coleman, Crane, Decker, Frangas, Garcia, Hall, Harvey, Jahn, King, Larson, Lee, May M., McFadyen, Miller, Rhodes, Romanoff, Tochtrop, Vigil, Weddig, Welker, Williams S., Boyd, Cadman, Hoppe, Lundberg, Mitchell, Paccione, Spence, and Stafford;
also SENATOR(S) Cairns, Arnold, Grossman, and Isgar.

AN ACT**CONCERNING IMMUNITY FROM LIABILITY FOR HARM RELATED TO EMERGENCY ACTIVITIES.**

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

SECTION 1. 24-32-2605 (1), Colorado Revised Statutes, is amended, and the said 24-32-2605 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-32-2605. Immunity. (1) No state commission or agency or county or municipal agency, including local emergency planning committees, CITIZEN CORPS COUNCILS, fire protection districts, AND volunteer fire, ambulance, or emergency service AND RESCUE groups, nor their officers, officials, directors, employees, or volunteers, when engaged in emergency PLANNING, service, or response activities ~~involving~~ REGARDING a hazardous material release, ~~at a facility or transportation accident site~~ THREAT OF RELEASE, OR ACT OF TERRORISM, shall be liable for the death of or injury to ~~persons~~ ANY PERSON or FOR THE loss OF or damage to property or the environment resulting from ~~that~~ THE hazardous material release, THREAT OF RELEASE, OR ACT OF TERRORISM, except for ~~acts or omissions which constitute willful misconduct~~ WILLFUL AND WANTON ACTS OR OMISSIONS.

(1.5) NO PRIVATE ORGANIZATION OR ANY OF ITS OFFICERS, OFFICIALS, DIRECTORS, EMPLOYEES, OR VOLUNTEERS, WHEN WORKING UNDER THE DIRECTION OF A LOCAL EMERGENCY PLANNING COMMITTEE OR STATE OR LOCAL FIRE OR LAW ENFORCEMENT AGENCY AND WHEN ENGAGED IN EMERGENCY PLANNING, TRAINING, OR RESPONSE ACTIVITIES REGARDING A HAZARDOUS MATERIAL RELEASE, THREAT OF RELEASE, OR ACT OF TERRORISM, SHALL BE LIABLE FOR THE DEATH OF OR INJURY TO ANY PERSON OR FOR THE LOSS OF OR DAMAGE TO PROPERTY OR THE ENVIRONMENT RESULTING

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

FROM THE HAZARDOUS MATERIAL RELEASE, THREAT OF RELEASE, OR ACT OF TERRORISM, EXCEPT FOR WILLFUL AND WANTON ACTS OR OMISSIONS.

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: April 26, 2004