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1 **12-20-402. [Formerly 12-36-118 (3)(b)] Immunity.** (1) THE DIRECTOR, any member
2 of ~~the~~ A board OR COMMISSION, any member of the ~~board's~~ REGULATOR'S staff, any person
3 acting as a witness or consultant to the ~~board~~ REGULATOR, AND any witness testifying in a
4 proceeding authorized ~~under this part 1,~~ and any person who lodges a complaint pursuant
5 to this part 1 shall be BY THE PART OR ARTICLE OF THIS TITLE 12 GOVERNING A PARTICULAR
6 PROFESSION OR OCCUPATION IS immune from liability in any civil action brought against ~~him~~
7 ~~or her~~ THE INDIVIDUAL for acts occurring while acting in ~~his or her~~ THE INDIVIDUAL'S
8 capacity as DIRECTOR, board OR COMMISSION member, staff, consultant, or witness,
9 respectively, if ~~such~~ THE individual:

10 (a) Was acting in good faith within the scope of his or her THE INDIVIDUAL'S
11 respective capacity;

12 (b) Made a reasonable effort to obtain the facts of the matter as to which he or she
13 THE INDIVIDUAL acted; and

14 (c) Acted in the reasonable belief that the action taken by him or her THE INDIVIDUAL
15 was warranted by the facts.

16 (2) Any person participating in good faith in ~~the~~ making of OR LODGING a complaint
17 or report or participating in any investigative or administrative proceeding pursuant to ~~this~~
18 ~~section shall be~~ THE PART OR ARTICLE OF THIS TITLE 12 GOVERNING A PARTICULAR
19 PROFESSION OR OCCUPATION IS immune from any CIVIL OR CRIMINAL liability ~~civil or~~
20 ~~criminal~~; that ~~otherwise might~~ MAY result by ~~reason of such~~ FROM THAT participation;
21 EXCEPT THAT A PERSON PARTICIPATING AS DESCRIBED IN THIS SUBSECTION (2) UNDER
22 ARTICLE 135 OF THIS TITLE 12 IS IMMUNE FROM ONLY CIVIL LIABILITY.

23 (4) THIS SECTION DOES NOT APPLY TO ARTICLES 125, 140, 150, AND 250 OF THIS TITLE
24 12 CONCERNING FANTASY CONTESTS, NONTRANSPLANT TISSUE BANKS, PASSENGER
25 TRAMWAYS, AND NATUROPATHIC DOCTORS, RESPECTIVELY.

