

IN THE SENATE

SENATE BILL NO. 1131

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE IDAHO TORT CLAIMS ACT; AMENDING SECTION 6-904B, IDAHO CODE,  
2 TO PROVIDE AN EXCEPTION TO GOVERNMENTAL LIABILITY AND TO MAKE TECHNICAL  
3 CORRECTIONS.  
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 6-904B, Idaho Code, be, and the same is hereby  
7 amended to read as follows:

8 6-904B. EXCEPTIONS TO GOVERNMENTAL LIABILITY. A governmental entity  
9 and its employees while acting within the course and scope of their employ-  
10 ment and without malice or criminal intent and without gross negligence or  
11 reckless, willful and wanton conduct as defined in section 6-904C, Idaho  
12 Code, shall not be liable for any claim which:

13 (1-) Arises out of the detention of any goods or merchandise by any law  
14 enforcement officer.

15 (2-) Arises out of the cancellation or rescission, or the failure to  
16 cancel or rescind, any motor vehicle registration and license plates for  
17 failure of the owner to verify or maintain motor vehicle liability insurance  
18 coverage.

19 (3-) Arises out of the issuance, denial, suspension or revocation of,  
20 or failure or refusal to issue, deny, suspend, or revoke a permit, license,  
21 certificate, approval, order or similar authorization.

22 (4-) Arises out of the failure to make an inspection, or the making of  
23 an inadequate inspection of any property, real or personal, other than the  
24 property of the governmental entity performing the inspection.

25 (5-) Arises out of any act or omission providing or failing to provide  
26 medical care to a prisoner or person in the custody of any city, county or  
27 state jail, detention center or correctional facility.

28 (6-) Arises out of a decision of the state commission of pardons and pa-  
29 role or its executive director when carrying out the business of the commis-  
30 sion.

31 (7-) Arises out of a decision, act or omission of a city, county, the  
32 Idaho board of correction or Idaho department of correction when carrying  
33 out duties and responsibilities as set forth in chapter 8, title 20, Idaho  
34 Code.

35 (8-) Arises out of the operation of a sport shooting range as defined in  
36 section 6-2701, Idaho Code.

37 (9) Arises out of a decision, act or omission relating to the opera-  
38 tion of any impoundment, ditch, canal, drain or conduit for irrigating or  
39 drainage purposes.