An Act
Relating to Civil Liability; Providing Legislative Intent; Amending Chapter 16, Title 6, Idaho Code, by the Addition of a New Section 6-1608, Idaho Code, to Provide Immunity from Civil Liability for Actions Taken in Good Faith to Address or Ameliorate a Disaster or Emergency, to Define a Term, and to Provide Applicability; and Declaring an Emergency.

Be It Enacted by the Legislature of the State of Idaho:

Section 1. Legislative Intent. In enacting this legislation it is the intent of the legislature to limit liability by providing a safe harbor to all persons during disasters or emergencies who make good faith efforts to meet the requirements occasioned by such an event. The immunity is meant to apply broadly to any and all individuals and private and public entities in any location and at any time, including without limitation, providers of goods and services, owners and operators of any premises such as stores, restaurants, bars, hotels, assisted living facilities, offices, schools, libraries, hospitals, medical clinics, residences, homes, churches, daycare, and the like that function or operate during the disaster or emergency and to those whose normal activities are interrupted by the disaster or emergency but who make good faith efforts to continue those activities safely during the disaster or emergency.

Section 2. That Chapter 16, Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a New Section, to be known and designated as Section 6-1608, Idaho Code, and to read as follows:

6-1608. Immunity from Civil Liability During a Declared Disaster or Emergency. (1) A person who acts during a disaster or emergency declared by the governor pursuant to chapter 10, title 46, Idaho Code, in an effort to address or ameliorate the declared disaster or emergency or to adapt behavior on account of the declared disaster or emergency or who makes a considered determination that no adaptation to necessary behavior during the declared disaster or emergency is practical shall be immune from civil liability for acts or omissions made in good faith, unless those acts or omissions constitute an intentional tort or willful or reckless misconduct, as defined in Section 6-1601, Idaho Code.

(2) The immunity provided in this section shall not apply if a person fails to make a good faith effort to comply with a statute, rule or lawful order of a government entity in effect at the time and such failure is the proximate cause of injury to another, nor shall it apply to acts or omissions that occur during a declared disaster or emergency that are unrelated to or unaffected by the declared disaster or emergency.
(3) Noncompliance with guidelines or recommendations related to a declared disaster or emergency alone shall not be used to establish civil liability.

(4) For the purposes of this section, "person" means any entity recognized in this state and shall include, but not be limited to an individual, corporation, limited liability company, partnership, trust, association, city, county, school district, or other unit of local government, the state of Idaho and any agency or subdivision thereof.

(5) The provisions of this section shall not modify the application of worker's compensation laws as provided in chapters 1 through 9, 13, and 14, title 72, Idaho Code.

(6) The immunity provided in this section shall be in addition to any other immunity protections that may apply in state or federal law.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.