

TITLE 5  
PROCEEDINGS IN CIVIL ACTIONS IN COURTS OF RECORD

CHAPTER 3  
PARTIES TO ACTIONS

5-302. ASSIGNMENT OF THING IN ACTION. In the case of an assignment of a thing in action, the action by the assignee is without prejudice to any set-off, or other defense existing at the time of, or before, notice of the assignment; but this section does not apply to a negotiable instrument transferred, in good faith and upon good consideration, before maturity.

[(5-302) C.C.P. 1881, sec. 183; R.S., R.C., & C.L., sec. 4091; C.S., sec. 6635; I.C.A., sec. 5-302.]

5-304. MARRIED WOMEN AS PARTIES. A woman may while married sue and be sued in the same manner as if she were single: provided, that except in actions between husband and wife the husband shall not be chargeable in any manner with the wife's costs or other expenses of suit.

[(5-304) 1903, p. 345, sec. 3; reen. R.C. & C.L., sec. 4093; C.S., sec. 6637; I.C.A., sec. 5-304.]

5-305. HUSBAND AND WIFE SUED TOGETHER. If a husband and wife be sued together the wife may defend her own right, and if the husband neglect to defend she may defend for his right also.

[(5-305) C.C.P. 1881, sec. 186; R.S., R.C., & C.L., sec. 4094; C.S., sec. 6638; I.C.A., sec. 5-305.]

5-306. INFANTS AND INSANE PERSONS -- GUARDIANS AD LITEM. When an infant or an insane or incompetent person is a party, he must appear either by his general guardian or by a guardian ad litem appointed by the court in which the action is pending in each case. A guardian ad litem may be appointed in any case when it is deemed by the court in which the action or proceeding is prosecuted, or by a judge thereof, expedient, to represent the infant, insane or incompetent person in the action or proceeding, notwithstanding he may have a general guardian and may have appeared by him.

[(5-306) C.C.P. 1881, sec. 187; R.S., R.C., & C.L., sec. 4095; C.S., sec. 6639; I.C.A., sec. 5-306; am. 2012, ch. 20, sec. 1, p. 66.]

5-308. ACTION FOR SEDUCTION. An unmarried female may prosecute, as plaintiff, an action for her own seduction, and may recover therein such damages, pecuniary or exemplary, as are assessed in her favor.

[(5-308) C.C.P. 1881, sec. 189; R.S., R.C., & C.L., sec. 4097; C.S., sec. 6641; I.C.A., sec. 5-308.]

5-309. ACTION FOR SEDUCTION -- PROSECUTION BY PARENT OR GUARDIAN. The parents may prosecute as plaintiffs for the seduction of a daughter under the age of majority at the time of the seduction, and the guardian for the seduction of a ward under the age of majority at the time of seduction, though the daughter or ward be not living with or in the service of the plaintiff or

plaintiffs at the time of the seduction, or afterward, and there be no loss of service, but if either the father or mother be dead or has abandoned his or her family, the other is entitled to sue alone.

[(5-309) C.C.P. 1881, sec. 1901; R.S. & R.C., sec. 4098; am. 1915, ch. 120, sec. 2, p. 266; reen. C.L., sec. 4098; C.S., sec. 6642; I.C.A., sec. 5-309.]

5-310. ACTION FOR INJURY TO UNMARRIED CHILD. The parents may maintain an action for the injury of an unmarried minor child, and for the injury of a minor child who was married at the time of his injury and whose spouse died as a result of the same occurrence and who leaves no issue, and a guardian for the injury of his ward, when such injury is caused by the wrongful act or neglect of another, but if either the father or mother be dead or has abandoned his or her family, the other is entitled to sue alone. Such action may be maintained against the person causing the injury, or if such person be employed by another person, who is responsible for his conduct, also against such other person.

[(5-310) C.C.P. 1881, sec. 191; R.S. & R.C., sec. 4099; am. 1915, ch. 120, sec. 3, p. 266; reen. C.L., sec. 4099; C.S., sec. 6643; I.C.A., sec. 5-310; am. 1972, ch. 177, sec. 1, p. 444; am. 1984, ch. 158, sec. 1, p. 385.]

5-311. SUIT FOR WRONGFUL DEATH BY OR AGAINST HEIRS OR PERSONAL REPRESENTATIVES -- DAMAGES. (1) When the death of a person is caused by the wrongful act or neglect of another, his or her heirs or personal representatives on their behalf may maintain an action for damages against the person causing the death, or in case of the death of such wrongdoer, against the personal representative of such wrongdoer, whether the wrongdoer dies before or after the death of the person injured. If any other person is responsible for any such wrongful act or neglect, the action may also be maintained against such other person, or in case of his or her death, his or her personal representatives. In every action under this section, such damages may be given as under all the circumstances of the case as may be just.

(2) For the purposes of subsection (1) of this section, and subsection (2) of section [5-327](#), Idaho Code, "heirs" means:

(a) Those persons who would be entitled to succeed to the property of the decedent according to the provisions of subsection (22) of section [15-1-201](#), Idaho Code.

(b) Whether or not qualified under subsection (2) (a) of this section, the decedent's spouse, children, stepchildren, parents, and, when partly or wholly dependent on the decedent for support or services, any blood relatives and adoptive brothers and sisters. It includes the illegitimate child of a mother, but not the illegitimate child of the father unless the father has recognized a responsibility for the child's support.

1. "Support" includes contributions in kind as well as money.

2. "Services" means tasks, usually of a household nature, regularly performed by the decedent that will be a necessary expense to the heirs of the decedent. These services may vary according to the identity of the decedent and heir and shall be determined under the particular facts of each case.

(c) Whether or not qualified under subsection (2) (a) or (2) (b) of this section, the putative spouse of the decedent, if he or she was dependent on the decedent for support or services. As used in this subsection, "putative spouse" means the surviving spouse of a void or voidable marriage who is found by the court to have believed in good faith that the marriage to the decedent was valid.

(d) Nothing in this section shall be construed to change or modify the definition of "heirs" under any other provision of law.

[5-311, added 1984, ch. 158, sec. 3, p. 385; am. 2010, ch. 349, sec. 1, p. 911.]

5-319. DEATH OR TRANSFER OF INTEREST -- PROCEDURE -- ACTIONS BY OR AGAINST PUBLIC OFFICERS. An action or proceeding does not abate by the death or any disability of a party, or by the transfer of any interest therein, if the cause of action or proceeding survive or continue. In case of the death or any disability of a party, the court, on motion, may allow the action or proceeding to be continued by or against his representative or successor in interest. In case of any other transfer of interest the action or proceeding may be continued in the name of the original party, or the court may allow the person to whom the transfer is made to be substituted in the action or proceeding. An action or proceeding brought by or against any public officer in his official capacity and which action or proceeding is pending at the time of his death, resignation, retirement or removal from office does not abate. The court on its own motion or on motion for substitution may substitute the successor in office and allow the action or proceeding to be continued against such successor.

[(5-319) C.C.P. 1881, sec. 200; R.S., R.C., & C.L., sec. 4108; C.S., sec. 6652; am. 1931, ch. 96, sec. 1, p. 169; I.C.A., sec. 5-319.]

5-321. INTERPLEADER. In an action commenced by a person possessing specific personal property which is claimed by two (2) or more persons to determine to which the property should be delivered, or in an action for the recovery of specific personal property where a third person demands of the defendant the same property, the court in its discretion, on motion of the person possessing the property, and notice to the persons claiming the property, whether or not they are parties to the action, may, before answer, make an order discharging the person possessing the property from liability to claiming persons and interplead such claiming person or persons in the action. The order shall not be made except on the condition that the person possessing the property shall deliver the property or its value to the clerk of the court or to such custodian as the court may direct, and unless it appears from the affidavit of the person possessing the property, filed with the clerk with the motion, that such person or persons claiming makes or make such demand without collusion with the party possessing the property. The affidavit of such third person as to whether he makes such demand of the defendant may be read on the hearing of the motion.

A person possessing the property who follows the procedure set forth above may insert in his motion for interpleader a request for allowance of his costs and reasonable attorney fees incurred in such action. In ordering the discharge of such party, the court may, in its discretion, award such party his costs and reasonable attorney fees from the amount in dispute which has been deposited with the court. At the time of final judgment in

the action, the court may make such further provision for assumption of such costs and attorney fees by one (1) or more of the adverse claimants. At the same time, the court may, in its discretion, award to the person determined to be entitled to the property his costs and reasonable attorneys' fees against an unsuccessful claimant if the claim asserted by said claimant was frivolous or without substantial merit.

[I.C., sec. 5-321, as added by 1971, ch. 164, sec. 2, p. 786.]

5-326. UNKNOWN OWNERS OR HEIRS -- EFFECT OF JUDGMENTS AND DECREES. Judgments and decrees rendered in actions or proceedings when persons have been made parties and served by publication of summons, shall have the same effect in all respects as if such persons had been made parties by their own proper names, and had been served by publication and mailing of summons according to the statutes in such case made and provided. If in such action or proceeding persons are made parties by the designation of unknown heirs as aforesaid, the judgment or decree shall be conclusive as to all heirs of such deceased party. When in any action or proceeding persons are made defendants by the designation of unknown devisees as aforesaid, the judgment or decree in such proceeding shall be conclusive as against all devisees of such deceased person. When in any action or proceeding persons are made defendants by the designation of unknown owners as aforesaid, the judgment or decree rendered in such action or proceeding shall be conclusive as against the world, including all contingent interests in the controversy and persons not in being who may have an interest or contingent interest therein.

[(5-326) 1903, p. 370, sec. 3; reen. R.C. & C.L., sec. 4116; C.S., sec. 6660; am. 1927, ch. 111, sec. 1, p. 154; I.C.A., sec. 5-326.]

5-327. PERSONAL INJURIES -- PROPERTY DAMAGE -- DEATH OF WRONGDOER -- DEATH OF INJURED PARTY -- SURVIVAL OF ACTION. (1) Causes of action arising out of injury to the person or property, or death, caused by the wrongful act or negligence of another, except actions for slander or libel, shall not abate upon the death of the wrongdoer, and each injured person or the personal representative of each one meeting death, as above stated, shall have a cause of action against the personal representative of the wrongdoer; provided, however, the punitive damages or exemplary damages shall not be awarded nor penalties adjudged in any such action; provided, however, that the injured person shall not recover judgment except upon some competent, satisfactory evidence corroborating the testimony of said injured person regarding negligence and proximate cause.

(2) A cause of action for personal injury or property damage caused by the wrongful act or negligence of another shall not abate upon the death of the injured person from causes not related to the wrongful act or negligence. Provided however, that the damages that may be recovered in such action are expressly limited to those for: (i) medical expenses actually incurred, (ii) other out-of-pocket expenses actually incurred, and (iii) loss of earnings actually suffered, prior to the death of such injured person and as a result of the wrongful act or negligence. Such action shall be commenced or, if already commenced at the time of the death of the injured person, shall be thereafter prosecuted by the personal representative of the estate of the deceased person or, if there be no personal representative appointed, then by those persons who would be entitled to succeed to the property of the

deceased person according to the provisions of section [5-311](#)(2) (a), Idaho Code.

[5-327, added 1949, ch. 47, sec. 1, p. 82; am. 1965, ch. 137, sec. 1, p. 270; am. 1971, ch. 209, sec. 1, p. 918; am. 2010, ch. 349, sec. 2, p. 912.]

5-328. STATE A PARTY DEFENDANT IN SUIT AFFECTING TITLE TO REAL OR PERSONAL PROPERTY. In any action or proceeding, whether judicial or summary, affecting the title to real or personal property in which the state of Idaho has, or claims to have an interest, lien or claim, the state of Idaho may be made a party defendant to such action or proceeding, and its rights or interests determined; provided that a judicial sale or a trustee sale under a deed of trust shall have the same effect respecting the discharge of the property from claims or encumbrances held by the state of Idaho as may be provided with respect to such matters by law as to other persons, and provided further that in no event shall any money judgment or cost be rendered against the state of Idaho in such action or proceeding.

[5-328, added 1959, ch. 55, sec. 1, p. 116.]

5-329. SERVICE OF PROCESS UPON ATTORNEY GENERAL. Process or notice as required by law in any such proceeding, whether judicial or summary, may be made upon the attorney general of the state of Idaho in the same manner and within the same time limited by law with respect to other parties to any such action or proceeding.

[5-329, added 1959, ch. 55, sec. 2, p. 116.]

5-330. IMMUNITY OF PERSONS GIVING EMERGENCY FIRST AID FROM DAMAGE CLAIM. That no action shall lie or be maintained for civil damages in any court of this state against any person or persons, or group of persons, who in good faith and without compensation, being at, or stopping at the scene of an accident or emergency, offers and administers emergency first aid or emergency medical attention to any person or persons injured in such accident or emergency unless it can be shown that the person or persons offering or administering emergency first aid or emergency medical attention, is guilty of gross negligence in the care or treatment of said injured person or persons or has treated them in a grossly negligent manner. The immunity described herein shall cease upon delivery of the injured person to either a generally recognized hospital for treatment of ill or injured persons, or upon assumption of treatment in the office or facility of any person undertaking to treat said injured person or persons, or upon delivery of said injured person or persons into custody of an ambulance attendant.

[5-330, added 1965, ch. 241, sec. 1, p. 591; am. 2018, ch. 218, sec. 1, p. 491.]

5-331. IMMUNITY OF VOLUNTEER AMBULANCE ATTENDANT. No action shall lie or be maintained for civil damages in any court of this state against any person or persons, or group of persons, including volunteer ambulance attendants, who offers and administers first aid or emergency medical attention as a part of his volunteer service as an ambulance attendant to any person or persons utilizing the volunteer services and facilities, unless it can be

shown that the person or persons offering or administering first aid or emergency medical attention is guilty of gross negligence in the care or treatment offered or administered, or has treated them in a grossly negligent manner. The immunity described herein shall cease upon delivery of the injured or treated person to either a generally recognized hospital for treatment of ill or injured persons, or upon assumption of treatment in the office or facility of any person undertaking to treat said ill or injured person or persons.

[5-331, added 1976, ch. 186, sec. 1, p. 673.]

5-332. CONSENT FOR EMERGENCY MEDICAL TREATMENT. The authorization or refusal of consent for emergency medical treatment under section [5-330](#) or [5-331](#), Idaho Code, shall be governed by [chapter 45, title 39](#), Idaho Code.

[5-332, added 1976, ch. 318, sec. 1, p. 1089; am. 2005, ch. 120, sec. 3, p. 390.]

5-333. IMMUNITY OF UNDERGROUND MINE RESCUE PARTICIPANTS, THEIR EMPLOYERS AND REPRESENTATIVES. No person or persons engaged in underground mine rescue or recovery work who, in good faith, render(s) emergency care, rescue, assistance or recovery services at the scene of any emergency in a mine in this state, shall be liable for any civil damages as a result of any act or omission by such person(s) in rendering such emergency care, rescue, assistance or recovery service.

Neither the employer nor a labor organization which represents any person(s) entitled to the immunity provided in this act shall be liable for any civil damages as a result of any act or omission of any person(s) entitled to such immunity.

[5-333, added 1981, ch. 165, sec. 1, p. 291.]

5-334. ACT OR OMISSION PREVENTING ABORTION NOT ACTIONABLE. (1) A cause of action shall not arise, and damages shall not be awarded, on behalf of any person, based on the claim that but for the act or omission of another, a person would not have been permitted to have been born alive but would have been aborted.

(2) The provisions of this section shall not preclude causes of action based on claims that, but for a wrongful act or omission, fertilization would not have occurred, maternal death would not have occurred or disability, disease, defect or deficiency of an individual prior to birth would have been prevented, cured or ameliorated in a manner that preserved the health and life of the affected individual.

[5-334, added 1985, ch. 147, sec. 1, p. 394; am. 2010, ch. 235, sec. 1, p. 542.]

5-335. GENERAL RULES OF PLEADING -- CLAIMS FOR RELIEF. A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or third-party claim, shall contain (1) if the court has limited jurisdiction, a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short and plain statement of the claims showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief to which the pleader deems himself or herself

entitled. Relief in the alternative or of several different types may be demanded. In any action for recovery because of personal injury or death, the claim for relief shall not specify the amount of damages claimed, but shall, instead, contain a general allegation of damage and shall state that the damages claimed are within any minimum or maximum jurisdictional limits of the court to which the pleading is addressed. At any time after service of the pleading, the defendant may, by special interrogatory, demand a statement of the amount of damages claimed by the plaintiff, which shall be answered within fifteen (15) days. The information provided in the response to the special interrogatory shall not be admissible into evidence at trial, nor shall it be communicated to the jury by argument or otherwise, nor shall it affect or limit the verdict rendered by the jury or the judgment issued by the court, in accordance with Idaho rule of civil procedure 54(c).

[5-335, added 1987, ch. 278, sec. 9, p. 581.]

5-336. DEMAND FOR JUDGMENT -- DEFAULT JUDGMENTS. A judgment by default shall not be different in kind from or exceed in the amount that prayed for in the demand for judgment. Except as to a party against whom a judgment is entered by default, every final judgment shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded such relief in his pleading. Provided, however, if a judgment by default is entered in any claim for relief for personal injury or death pursuant to Idaho rule of civil procedure 8(a)(1), after default is entered, the court shall conduct such hearings or order such reference as it deems necessary and proper pursuant to Idaho rule of civil procedure 55(b)(2) to determine the appropriate amount of damages.

[5-336, added 1987, ch. 278, sec. 10, p. 582.]

5-337. IMMUNITY FOR USE OF AUTOMATED EXTERNAL DEFIBRILLATOR (AED). (1) As used in this section, "defibrillator" means an automated external defibrillator (AED).

(2) In order to promote public health and safety:

(a) A person or entity who acquires a defibrillator shall ensure that:

(i) Expected defibrillator users receive training in its use and care equivalent to the CPR and AED training of the American heart association, the American red cross or similar entities;

(ii) The defibrillator is maintained and tested by the owner according to the manufacturer's operational guidelines;

(iii) Any person who renders emergency care or treatment to a person in cardiac arrest by using a defibrillator must activate the emergency medical services system as soon as possible, and must report any clinical use of the defibrillator to the prescribing physician.

(b) Any person or entity who acquires a defibrillator shall notify an agent of the emergency communications system or emergency vehicle dispatch center of the existence, location and type of defibrillator.

(3) (a) Any person who reasonably renders emergency care using a defibrillator, without remuneration or expectation of remuneration, at the scene of an accident or emergency to a victim of the accident or emergency shall not be liable for any civil damages resulting from the person's acts or omissions.

(b) No cause of action shall be maintained against a licensed physician, physician assistant, nurse practitioner, or nurse, or against an emergency medical technician, fireman, peace officer, ambulance attendant or other person trained to use a defibrillator, or against a person or entity who acquires or maintains a defibrillator which arises from the reasonable use of a defibrillator in an emergency setting and no cause of action shall be maintained against a physician who wrote a prescription for the defibrillator.

(c) This immunity from civil liability does not apply if the acts or omissions amount to gross negligence or willful or wanton or reckless misconduct.

(4) A defibrillator acquired pursuant to a prescription and possessed in compliance with subsection (2) of this section is exempt from the provisions of [chapter 10, title 56](#), Idaho Code.

[5-337, added 1999, ch. 351, sec. 1, p. 937; am. 2004, ch. 129, sec. 1, p. 448; am. 2008, ch. 299, sec. 1, p. 836; am. 2010, ch. 344, sec. 1, p. 901; am. 2014, ch. 128, sec. 1, p. 361.]

5-338. IMMUNITY OF DONORS OF WILD GAME MEAT. (1) A donor of wild game meat for free use by a charitable organization is immune from civil or criminal liability arising from an injury or death attributable to the nature, age, condition or packaging of the donated wild game meat if the injury or death is not a result of the gross negligence, recklessness, or intentional misconduct of the donor and the donated wild game meat is prepared and packaged by a commercial butcher, commercial slaughterhouse, commercial meat processor or similar entity subject by law to regular state or federal inspection and licensing.

(2) A charitable organization that receives, distributes or serves donated wild game meat is immune from civil or criminal liability arising from an injury or death attributable to the condition of the meat if:

(a) The charitable organization uses appropriate food storage and handling equipment to provide for the safe and sanitary storage and/or service of the wild game meat;

(b) The charitable organization accepts only wild game meat prepared and packaged by a commercial butcher, commercial slaughterhouse, commercial meat processor, or similar entity subject by law to regular state or federal inspection and licensing;

(c) The charitable organization inspects the donated wild game meat in a reasonable manner and finds it to be apparently fit for human consumption at the time of distribution or service;

(d) The charitable organization has no actual or constructive knowledge at the time the wild game meat is distributed or served that it is adulterated, tainted, contaminated, or would be harmful to the health or well-being of a person eating it; and

(e) An injury or death caused by eating the wild game meat is not a proximate cause of the gross negligence, recklessness or intentional misconduct of the charitable organization.

(3) For purposes of this section:

(a) "Charitable organization" means a nonprofit organization that is exempt from taxation under the provisions of sections 501(c)(3) and 501(c)(4) of the Internal Revenue Code, as amended.

(b) "Donor" means a person, retailer, commercial butcher, commercial slaughterhouse, commercial meat processor, or similar entity under



state supervision, and the Idaho fish and game department in its capacity as a donor of unlawfully taken or unclaimed wildlife pursuant to section [36-1304](#), Idaho Code.

(c) "Wild game meat" means any raw, cooked, processed, or prepared edible meat from a game animal killed in the wild and used or intended for use in whole or in part for human consumption and which is exempt from the inspection requirements of the federal wholesome meat act; provided however, that wild game salami may not be donated. Wild game meat shall not be considered "adulterated" as that term is defined in [chapter 1, title 37](#), Idaho Code, and IDAPA 16.02.19, merely because the meat is the product of a game animal killed in the wild and not slaughtered by a butcher in a state or federally regulated food processing establishment. Wild game meat shall be considered "wildlife" as that term is used in IDAPA 16.02.19, and shall be handled, prepared and served accordingly if the charitable organization is a food establishment as defined in the rules.

[5-338, added 2000, ch. 263, sec. 1, p. 739; am. 2006, ch. 94, sec. 2, p. 267.]

5-339. IMMUNITY OF FOOD DONOR AND FOOD BANK. (1) It shall not be negligence for a donor of food to donate food apparently fit for human consumption at the time of its donation solely because:

(a) The label on the food is missing or the food is otherwise misbranded; or

(b) The food, if offered for sale commercially, would not be readily marketable because of appearance or grade, or because it is surplus.

(2) A food bank that receives and distributes food apparently fit for human consumption shall not be found negligent or liable for damages caused by food it distributes if:

(a) The food bank inspects the food received in a reasonable manner and finds it to be apparently fit for human consumption at the time of distribution;

(b) The food bank has no actual or constructive knowledge at the time the food is distributed that it is adulterated, tainted, contaminated, or would be harmful to the health or well-being of an individual consuming it; and

(c) The injury or death is not proximately caused by the misconduct of the food bank.

(3) It shall not be negligence for a food bank to distribute food apparently fit for human consumption at the time of its distribution solely because:

(a) The label on the food is missing or the food is otherwise misbranded; or

(b) The food, if offered for sale commercially, would not be readily marketable because of appearance or grade, or because it is surplus.

(4) For purposes of this section:

(a) "Donor" includes a person, farmer, rancher, retailer, slaughterhouse under state supervision, freight company, distributor, wholesaler, meat processor, seafood processor, or similar entity, and a person who acts in a commercial capacity as a manufacturer, packer, processor, bottler, or similar entity, even if that activity is the person's primary activity.

(b) "Food" means any raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(c) "Food bank" means a nonprofit organization that operates principally to collect, inspect, and salvage donated food for free distribution either to needy persons or to nonprofit organizations for free distribution to needy persons. In this paragraph, "nonprofit organization" means an organization recognized by the state or federal government as a nonprofit organization.

(5) This section does not apply to donations of wild game meat to charitable institutions. Liability and immunity for donations of wild game meat to charitable institutions shall be determined according to section [5-338](#), Idaho Code.

[5-339, added 2000, ch. 321, sec. 1, p. 1088.]

5-340. IMMUNITY OF RADIO AND TELEVISION BROADCASTING ORGANIZATIONS PARTICIPATING IN THE AMBER ALERT AND BLUE ALERT SYSTEMS. No cause of action shall be maintained for civil damages in any court of this state against any radio or television broadcast organization, or the employees, officers, directors, managers or agents of such radio or television broadcast organization, based on the broadcast of information supplied by state law enforcement officials pursuant to the voluntary broadcast notification system commonly known as the:

(1) "Amber Alert," which is used to notify the public of missing or abducted children; or

(2) "Blue Alert," which is used to notify the public pursuant to section [67-2920](#), Idaho Code.

[5-340, added 2003, ch. 91, sec. 1, p. 277; am. 2019, ch. 142, sec. 2, p. 490.]

5-341. IMMUNITY OF EMPLOYERS ALLOWING EMPLOYEE FIREARM STORAGE. No action shall lie or be maintained for civil damages in any court of this state against an employer where the claim arises out of the policy of an employer to either specifically allow or not prohibit the lawful storage of firearms by employees in their personal motor vehicles on the employer's business premises.

[5-341, added 2009, ch. 265, sec. 1, p. 802.]

5-342. IMMUNITY FOR SEARCH AND RESCUE OPERATIONS. No person serving as a volunteer member of a search and rescue operation constituted pursuant to section [31-2229](#), Idaho Code, may have their actions or omissions occurring during the search and rescue operation found to be the proximate cause of injuries to a person subject of a search or rescue, unless the volunteer's actions or omissions are not done in good faith or are grossly negligent. This limitation of liability applies notwithstanding the fact that an organization may recover costs incurred incident to the search and rescue operation or rendering of emergency care.

[5-342, added 2010, ch. 247, sec. 1, p. 636.]

5-343. IMMUNITY OF COLLEGES AND UNIVERSITIES ALLOWING FIREARMS. No action shall lie or be maintained for civil damages in any court of this state against the board of regents of the university of Idaho, the boards of trustees of the state colleges and universities, a dormitory housing commission, the board for career technical education or the boards of trustees of each of the community colleges established under [chapter 21, title 33](#), Idaho Code, where the claim arises out of the policy of the board or commission to either specifically allow or not prohibit the lawful possession and storage of firearms on its property.

[5-343, added 2014, ch. 73, sec. 5, p. 191; am. 2016, ch. 25, sec. 1, p. 35.]

5-344. IMMUNITY -- AID TO PERSON IN VEHICLE. (1) A person is immune from civil liability for entry, including forced entry and any resulting property damage, into a motor vehicle for the purpose of removing another person from the vehicle, provided that the person entering:

- (a) Has a reasonable, good-faith belief that the other person is in imminent danger of suffering death or serious bodily harm;
- (b) Contacts law enforcement before and immediately after entering, if feasible; and
- (c) Uses no more force than reasonably necessary to gain entry.

(2) This section shall not be construed to provide immunity from civil liability for physical harm caused to the person in the vehicle or for any other action or omission unrelated to the act of entering the vehicle as provided in subsection (1) of this section.

[5-344, added 2018, ch. 285, sec. 1, p. 673.]

5-345. IMMUNITY FOR AID DURING AN EMERGENCY. (1) No architect, engineer, or contractor may be held liable for personal injury, wrongful death, property damage, or other loss related to any architectural, structural, electrical, mechanical, construction, design, or other professional service provided by the architect or engineer, voluntarily or without compensation, or the contractor at the request or approval of a national, state, or local public official in response to a declared national, state, or local emergency, a disaster, or a catastrophic event. The provisions of this subsection shall apply to services rendered within ninety (90) days following the end of the declared emergency, disaster, or catastrophic event unless extended by executive order of the governor.

(2) Limited liability under this section shall not apply if the injury, death, or damage is the result of unreasonable acts, gross negligence, or willful or wanton misconduct or if the architect, engineer, or contractor did not act as a reasonable architect, engineer, or contractor would have under the same or similar circumstances.

[5-345, added 2020, ch. 217, sec. 1, p. 642.]