

TITLE 6
ACTIONS IN PARTICULAR CASES

CHAPTER 24
LIABILITY FOR EMERGENCY RESPONSES

6-2401. LIABILITY FOR EMERGENCY RESPONSES. (1) Any person who knowingly enters into any area that has been closed to the public by competent authority for any reason, where such closure is posted by sign, barricade or other device, is liable for the expenses of an emergency response required to search for or rescue such person or, if the person was operating a vehicle, any of his or her passengers, plus expenses for the removal of any inoperable vehicle. This section shall not apply to any person who is authorized by the land owner, lessor or manager of the closed area, to be in the closed area, and further shall have no application to any federal, state or local government official who is in the closed area as part of his or her official duty, nor to any person acting in concert with a government authorized search or rescue.

(2) Unless otherwise provided by law, subsection (1) of this section shall apply only to persons eighteen (18) years of age or older and shall apply to all such persons irrespective of whether the person is on foot, on skis or snowshoes, or is operating a motor vehicle, bicycle, vessel, watercraft, raft, snowmobile, all-terrain vehicle, or any other boat or vehicle of any description.

(3) Unless otherwise provided by law, subsection (1) of this section shall only apply to the person who knowingly enters the closed area, and not to his or her family, heirs or assigns.

(4) Expenses of an emergency response are a charge against the person liable for those expenses pursuant to subsection (1) of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities and not-for-profit entities that incurred the expenses. The person's liability for expenses of an emergency response shall not exceed four thousand dollars (\$4,000) for a single incident. The liability imposed under this section is in addition to and not in limitation of any other liability that is imposed.

(5) An insurance policy may exclude coverage for a person's liability for expenses of an emergency response under this section.

(6) Any public agency or private entity that receives full reimbursement from the state search and rescue fund shall not attempt to collect any money from the person. In such cases, the debt described in subsection (4) of this section is collectable by the state of Idaho for reimbursement to the state search and rescue fund.

(7) For purposes of this section:

(a) "Expenses of an emergency response" means those reasonable and necessary costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident, and shall include the cost of providing police, firefighting, search and rescue, and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident.

(b) "Public agency" means this state and any city, county, municipal corporation or other public authority that is located in whole or in

part in this state and that provides police, firefighting, medical or other emergency services.

[6-2401, added 2002, ch. 267, sec. 1, p. 797; am. 2003, ch. 38, sec. 1, p. 157.]

6-2402. VOLUNTEER FIRE DEPARTMENTS -- SCHEDULE OF CHARGES -- CONDITIONS FOR COLLECTION -- REPORTS -- FAILURE TO PAY. (1) As used in this section, "volunteer fire department" means a fire department organized as a nonprofit corporation with a primary purpose of firefighting, fire protection, or other emergency services, which has entered into an agreement with a validly organized city or county to provide fire fighting, fire protection, or other emergency services to a distinct service area.

(2) A volunteer fire department that provides services within a jurisdiction served by the department may establish a schedule of charges for the services that the department provides not to exceed the state fire marshal's recommended schedule for services. The volunteer fire department or its agent may collect a service charge according to this schedule from the owner of property who receives service if the following conditions are met:

(a) At the following times, the department gives notice in a newspaper of general circulation on three (3) separate occasions in each political subdivision served by the department of the amount of the service charge for each service that the department provides:

- (i) Before the schedule of service charges is initiated;
- (ii) When there is a change in the amount of a service charge.

(b) The property owner has not sent written notice to the department to refuse service by the department to the owner's property.

(c) The bill for payment of the service charge:

- (i) Is submitted to the property owner in writing within thirty (30) days after services are provided; and
- (ii) Includes a copy of a fire incident report in the form prescribed by the state fire marshal, if the service was provided for an event that requires a fire incident report.

(3) A volunteer fire department shall use the revenue collected from the fire service charges under this section for:

- (a) The purchase of equipment, buildings and property for firefighting, fire protection or other emergency services;
- (b) The ordinary and necessary expenses associated with firefighting, fire protection and other emergency services; and
- (c) To pay principal and interest on a loan acquired for the purchase of equipment, buildings and property for firefighting, fire protection and other emergency services.

(4) A volunteer fire department that:

(a) Has contracted with a political subdivision to provide fire protection or emergency services, and

(b) Charges for services under the provisions of this section,

shall submit a report to the legislative body of the political subdivision before April 1 of each year indicating the amount of service charges collected during the previous calendar year and how those funds have been expended.

(5) The state fire marshal shall annually prepare and publish a recommended schedule of service charges for fire protection services.

(6) The volunteer fire department or its agent may maintain a civil action to recover an unpaid service charge authorized under the provisions of this section.

[6-2402, added 2005, ch. 305, sec. 1, p. 953.]