



HB25-1053

SHORT TITLE: Landowner Immunity for Emergency Access to Property

LONG TITLE: Concerning limited immunity from civil liability for landowners who allow access to their property for entry and exit in connection with an emergency.

SPONSORS: Representatives Mauro and Weinberg/Senators Marchman and Baisley

COMMITTEES: House Agriculture, Water & Natural Resources, Senate Agriculture & Natural Resources

PURPOSE OF THE BILL: To provide limited civil immunity for landowners who allow first responders and emergency personnel to access their property during an emergency

PROPONENTS OF THE BILL:

POTENTIAL STAKEHOLDER: Owners of natural resource properties, agricultural properties, open space, other private property, HOAs, emergency responders (e.g., fire, flood, FEMA, law enforcement personnel)

BACKGROUND: Concern has been expressed about potential liability to landowners for injuries or damage to property sustained on private property during emergency evacuations during fire, flood, law enforcement response to a crime or injury.

Is this bill necessary this year (is there a deadline)? No

How does the bill change current law? There is currently no express immunity in statute provided to landowners for injuries sustained or damage to property of a third person during an emergency response on private property. This bill provides immunity from civil suit arising from such injury unless the injury or damage is caused by the landowner's gross negligence or willful misconduct

Does the bill affect the prior appropriations system? Probably not, an exception might be if a headgate was opened, or reservoir was breached causing loss of water.

How is the bill implemented? The immunity would be a factor considered by the courts if a complaint were filed following an injury on private land during an emergency response.

Practical considerations: Whether immunity applies in a particular situation may be highly fact specific as to the nature of the response and the actions of the landowner

Fiscal Impact: No appropriation is required