

## Liability: Government

### 10-3-111, MCA

The state, a political subdivision, or the agents, representatives, or a political subdivision of the state will not be held legally responsible for property damage or injury to a volunteer civilian defense worker, a volunteer professional, or a person engaged in civilian defense or recovery activities. The individual or entity must comply, or attempt to comply, with all orders and rules.

This section does not limit workers' compensation entitlements.

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### Personnel immune from liability

(1) The state, a political subdivision of the state, or the agents or representatives of the state or a political subdivision of the state are not liable for personal injury or property damage sustained by a person appointed or acting as a volunteer civilian defense or other response and recovery activity worker, a volunteer professional, or a member of an agency engaged in civilian defense or other response and recovery activity during an incident, disaster, or emergency. This section does not affect the right of a person to receive benefits or compensation to which the person might otherwise be entitled under the workers' compensation law or a pension law or an act of congress.

(2) The following individuals or entities are not liable for the death or injury of individuals or for damage to property as a result of an act or omission specifically arising out of activities undertaken in response to an incident, disaster, or emergency and while complying with or reasonably attempting to comply with parts 1 through 4 and 12 of this chapter or an order or rule promulgated under the provisions of parts 1 through 4 and 12 of this chapter:

(a) the state or a political subdivision of the state;

(b) except in cases of willful misconduct, gross negligence, or bad faith:

(i) the employees, agents, or representatives of the state or a political subdivision of the state; or

(ii) a volunteer or auxiliary civilian defense or other response and recovery activity worker, a member of an agency engaged in civilian defense or other response and recovery activity, a volunteer professional, or the owners of facilities used for civil defense or other response and recovery shelters pursuant to a fallout shelter license or privilege agreement or pursuant to an ordinance relating to blackout or other precautionary measures enacted by a political subdivision of the state.