

## Liability: Intrastate Mutual Aid

### 10-3-912, MCA

An individual, who provides assistance pursuant to an intrastate mutual aid agreement and complies, or attempts to comply, with the system, will not be held legally responsible for property damage or injury to another person. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

This section is limited to the intrastate mutual aid system.

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### Liability - immunity

- (1) All activities performed pursuant to a request for assistance as provided for in this part are considered to be governmental functions.
- (2) Except as provided in 10-3-911, a person responding to a request for assistance who is under the operational control of the requesting member jurisdiction, as provided for in 10-3-908, is considered for the purposes of liability to be an employee of the requesting member jurisdiction.
- (3) Except in the case of willful misconduct, gross negligence, or bad faith, the member jurisdiction or an employee of the member jurisdiction is immune from liability for the death of or injury to any person or for damage to property if the member jurisdiction or the employee of the member jurisdiction is complying with or attempting to comply with the system.