

Liability: State Employees Acting Under Emergency Response Agreement

Utah Code Ann. 53-2b-302

A state employee who, in good faith, provides assistance under an emergency response agreement will not be held legally responsible for acting or for failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Reciprocal immunity ? Limitation on liability

(1) An officer, employee, or agent of an assisting political subdivision who provides assistance in responding to an emergency in Utah under an emergency response agreement:

(a) is protected from liability under the laws of Utah as if the officer, employee, or agent of the assisting political subdivision is an officer, employee, or agent of Utah; and

(b) is considered an agent of the requesting political subdivision for the purposes of tort liability and immunity.

(2) In addition to the protections described in Subsection (1), and except as provided in Subsection (3), an assisting political subdivision, and each officer, employee, or agent of the assisting political subdivision, who provides assistance in responding to an emergency in Utah under an emergency response agreement is not liable for an act or omission performed in good faith in providing the assistance, including the maintenance or use of equipment or supplies.

(3) The additional liability protection described in Subsection (2) does not apply to misconduct that is willful, wanton, or reckless.