

## **Liability: Local or State Emergency Response Team**

### Idaho Code 39-7113

An individual who is part of a state or local emergency response team and is requested to respond to a hazardous substance incident will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

The State can be held legally responsible for state emergency response teams and the designated city or county can be held legally responsible for local emergency response teams.

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### **Persons rendering assistance relating to hazardous substance incidents -- Good Samaritan limited immunity**

(1) Consistent with the provisions of subsections (2) and (3) of this section:

(a) The state shall be liable for the acts or omissions of the state emergency response teams responding to a hazardous substance incident.

(b) The designating or requesting city or county shall be liable for the acts or omissions of a local emergency response authority responding to a hazardous substance incident within its jurisdiction.

(2) Notwithstanding any provision of law to the contrary, any state emergency response team, local emergency response authority or other person who responds to a hazardous substance incident at the request of an incident commander shall not be subject to civil liability for assistance or advice, except as provided in subsection (3) of this section.

(3) The exemption from civil liability provided in this section shall not apply to:

(a) An act or omission that caused in whole or in part such hazardous substance incident or a person who may otherwise be liable therefor; or

(b) Any person who has acted in a grossly negligent, reckless, or intentional manner.

(4) Nothing in this section shall be construed to abrogate or limit the immunity granted to governmental entities

pursuant to chapter 9, title 6, Idaho Code.