

Liability: Government or Government Employee or Volunteer

KSA 48-915(b)

When an emergency declaration is in effect, the state, a political subdivision, or an employee or volunteer of the state or a political subdivision, who, in good faith, performs emergency management activities, will not be held legally responsible for any damage or injury that occurs. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Immunity from liability of the state, local governments and certain individuals;

Kansas tort claims act, applicability.

(b) Whenever a proclamation is issued declaring a state of disaster emergency pursuant to K.S.A. 48-924, and amendments thereto, neither the state nor any political subdivision of the state nor, except in cases of willful misconduct, gross negligence or bad faith, the employees, agents, or representatives of the state or any political subdivision thereof, nor any volunteer worker, or member of any agency, engaged in any emergency management activities, complying with or reasonably attempting to comply with this act, or any proclamation, order, rule and regulation promulgated pursuant to the provisions of this act, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity performed during the existence of such state of disaster emergency or other such state of emergency.