

Liability: Complying with Orders or Regulations

KRS 39A.280(3)

The state, a political subdivision, an employee of the state or a political subdivision, a disaster and emergency services organization, or a volunteer or member of a disaster and emergency services organization, who, in good faith, complies, or attempts to comply, with orders or regulations related to an emergency or disaster, will not be held legally responsible for damage to property or injury to a person. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Nature of disaster and emergency response functions provided by state or local management agency, licensed professional engineer, or licensed architect ? Immunity, exceptions.

(3) Subject to subsection (6) of this section, 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 of its political divisions, nor any volunteer or auxiliary emergency management agency or disaster and emergency services organization member or disaster and emergency response worker or member of any agency engaged in any emergency management or disaster and emergency services or disaster and emergency response activity, complying with or reasonably attempting to comply with this chapter or any order or administrative regulation promulgated pursuant to the provisions of this chapter, or other precautionary measures enacted by any city of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of that activity. The immunity provided by this subsection shall not apply to the extent that the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance for an act or omission covered by this subsection. To the extent that the state, a political subdivision of the state, or a person or an organization maintains liability insurance or self-insurance, sovereign immunity shall not be claimed with regard to an act or omission

covered by this subsection.