

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 517

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO EXCEPTIONS TO GOVERNMENTAL LIABILITY; AMENDING SECTION 6-904B, IDAHO CODE, TO PROVIDE CERTAIN EXCEPTIONS TO GOVERNMENTAL LIABILITY FOR CLAIMS BASED UPON THE ACTS OF THIRD PARTIES THAT INJURE THEMSELVES OR MEMBERS OF THE PUBLIC USING ANY ROAD, TRAIL OR EASEMENT, OR CUTTING WOOD ON ENDOWMENT LAND.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 6-904B, Idaho Code, be, and the same is hereby amended to read as follows:

6-904B. EXCEPTIONS TO GOVERNMENTAL LIABILITY. A governmental entity and its employees while acting within the course and scope of their employment and without malice or criminal intent and without gross negligence or reckless, willful and wanton conduct as defined in section 6-904C, Idaho Code, shall not be liable for any claim which:

1. Arises out of the detention of any goods or merchandise by any law enforcement officer.

2. Arises out of the cancellation or rescission, or the failure to cancel or rescind, any motor vehicle registration and license plates for failure of the owner to verify or maintain motor vehicle liability insurance coverage.

3. Arises out of the issuance, denial, suspension or revocation of, or failure or refusal to issue, deny, suspend, or revoke a permit, license, certificate, approval, order or similar authorization.

4. Arises out of the failure to make an inspection, or the making of an inadequate inspection of any property, real or personal, other than the property of the governmental entity performing the inspection.

5. Arises out of any act or omission providing or failing to provide medical care to a prisoner or person in the custody of any city, county or state jail, detention center or correctional facility.

6. Arises out of a decision of the state commission of pardons and parole or its executive director when carrying out the business of the commission.

7. Arises out of a decision, act or omission of a city, county, the Idaho board of correction or Idaho department of correction when carrying out duties and responsibilities as set forth in chapter 8, title 20, Idaho Code.

8. Arises out of the operation of a sport shooting range as defined in section 6-2701, Idaho Code.

9. Is based upon the acts of third parties that injure themselves or members of the public using any road, trail or easement, or cutting wood on endowment land.