

Committee on Military Affairs, Space, And Domestic Security

CS/CS/SB 450 — Emergency Management

by Judiciary Committee; Military Affairs, Space, and Domestic Security Committee; and Senators Bennett and Altman

The bill creates the “Postdisaster Relief Assistance Act” to provide immunity from civil damages to persons who gratuitously and in good faith, supply temporary housing, food, water, or electricity to emergency first responders or their immediate family members in response to a declared emergency or public health emergency.

The immunity provided to persons under the bill does not apply to damages as a result of any act or omission:

- That occurs more than 6 months after the declaration of an emergency, unless the declared emergency is extended, in which case the immunity continues to apply for the duration of the extension; or
- That is unrelated to the original declared emergency or any extension thereof.

In addition, the immunity granted to providers of temporary housing, food, water, or electricity does not apply in situations in which the provider acts in a manner that demonstrates reckless disregard for the consequences of another. The bill defines reckless disregard as “conduct that a reasonable person knew or should have known at the time such services were provided would likely result in injury so as to affect the life or health of another, taking into account the extent or serious nature of the prevailing circumstances.”

Finally, the bill provides that a person who registers with a county emergency management agency as a temporary provider of temporary housing, food, water, or electricity for emergency first responders or their immediate family members is presumed to have acted in good faith in providing such housing, food, water, or electricity.

If approved by the Governor, these provisions take effect July 1, 2011.

Vote: Senate 38-0; House 118-0