

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 517

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1  
2 RELATING TO EXCEPTIONS TO GOVERNMENTAL LIABILITY; AMENDING SECTION 6-904B,  
3 IDAHO CODE, TO PROVIDE CERTAIN EXCEPTIONS TO GOVERNMENTAL LIABILITY FOR  
4 CLAIMS BASED UPON THE ACTS OF THIRD PARTIES THAT INJURE THEMSELVES OR  
5 MEMBERS OF THE PUBLIC USING ANY ROAD, TRAIL OR EASEMENT, OR CUTTING WOOD  
6 ON ENDOWMENT LAND.

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

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

10 6-904B. EXCEPTIONS TO GOVERNMENTAL LIABILITY. A governmental entity  
11 and its employees while acting within the course and scope of their employ-  
12 ment and without malice or criminal intent and without gross negligence or  
13 reckless, willful and wanton conduct as defined in section 6-904C, Idaho  
14 Code, shall not be liable for any claim which:

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

17 2. Arises out of the cancellation or rescission, or the failure to can-  
18 cel or rescind, any motor vehicle registration and license plates for fail-  
19 ure of the owner to verify or maintain motor vehicle liability insurance cov-  
20 erage.

21 3. Arises out of the issuance, denial, suspension or revocation of, or  
22 failure or refusal to issue, deny, suspend, or revoke a permit, license, cer-  
23 tificate, approval, order or similar authorization.

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

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

30 6. Arises out of a decision of the state commission of pardons and pa-  
31 role or its executive director when carrying out the business of the commis-  
32 sion.

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

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

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