

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

CHAPTER 116
HOUSE BILL 2272

AN ACT

AMENDING SECTION 26-314, ARIZONA REVISED STATUTES; RELATING TO EMERGENCY
MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 26-314, Arizona Revised Statutes, is amended to
3 read:

4 26-314. Immunity of state, political subdivisions and
5 officers, agents, employees and emergency workers;
6 limitation; rules; definitions

7 A. This state and its departments, agencies, boards, ~~AND~~ AND
8 commissions and all ~~other~~ political subdivisions are not liable for any
9 claim based ~~upon~~ ON the exercise or performance, or the failure to
10 exercise or perform, a discretionary function or duty by any emergency
11 worker, ~~excepting~~ EXCEPT FOR wilful misconduct, gross negligence or bad
12 faith of ~~any such~~ THE emergency worker, in engaging in emergency
13 management activities or performing emergency functions pursuant to this
14 chapter or title 36, chapter 6, article 9, INCLUDING OPERATING AN UNMANNED
15 AIRCRAFT OR A PUBLIC UNMANNED AIRCRAFT, WHILE ENGAGED IN OR SUPPORTING
16 EMERGENCY MANAGEMENT ACTIVITIES OR PERFORMING EMERGENCY FUNCTIONS PURSUANT
17 TO THIS CHAPTER OR TITLE 36, CHAPTER 6, ARTICLE 9.

18 B. The immunities from liability, exemptions from laws, ordinances
19 and rules, all pensions, relief, disability workers' compensation and
20 other benefits that apply to the activity of officers, agents, employees
21 or emergency workers of this state or of any political subdivision when
22 performing their respective functions within this state or the territorial
23 limits of their respective political subdivisions apply to them to the
24 same degree and extent while engaged in the performance of any of their
25 functions and duties extraterritorially under this chapter or title 36,
26 chapter 6, article 9, ~~excepting~~ EXCEPT FOR wilful misconduct, gross
27 negligence or bad faith.

28 C. Emergency workers engaging in emergency management activities or
29 PERFORMING emergency functions under this chapter or title 36, chapter 6,
30 article 9, in carrying out, complying with or attempting to comply with
31 any order or rule issued under this chapter, title 36, chapter 6, article
32 9 or any local ordinance, or performing any of their authorized functions
33 or duties or training for the performance of their authorized functions or
34 duties, ~~shall~~ have the same degree of responsibility for their
35 actions, ~~and~~ and enjoy the same immunities and disability workers'
36 compensation benefits as officers, agents and employees of ~~the~~ THIS state
37 and its political subdivisions performing similar work. This state and
38 its departments, agencies, boards and commissions and all ~~other~~ political
39 subdivisions that supervise or control emergency workers engaging in
40 emergency management activities or PERFORMING emergency functions under
41 this chapter or title 36, chapter 6, article 9 are responsible for
42 providing for liability coverage, including legal defense, of an emergency
43 worker if necessary. Coverage is provided if the emergency worker is
44 acting within the course and scope of assigned duties and is engaged in an

1 authorized activity, except for actions of wilful misconduct, gross
2 negligence or bad faith.

3 D. ~~No~~ ANY other state or its officers, agents, emergency workers or
4 employees rendering aid in this state pursuant to any interstate mutual
5 aid arrangement, agreement or compact are NOT liable on account of any act
6 or omission in good faith on the part of ~~such~~ THE state or its officers,
7 agents, emergency workers or employees while so engaged, or on account of
8 the maintenance or use of any equipment or supplies in connection with an
9 emergency.

10 E. The division shall adopt rules prescribing the procedures for
11 registration of emergency workers.

12 F. FOR THE PURPOSES OF THIS SECTION, "PUBLIC UNMANNED AIRCRAFT" AND
13 "UNMANNED AIRCRAFT" HAVE THE SAME MEANINGS PRESCRIBED IN SECTION 13-3729.

APPROVED BY THE GOVERNOR APRIL 3, 2018.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2018.