

CHAPTER 156

**INSURANCE**

**HOUSE BILL 24-1309**

BY REPRESENTATIVE(S) Taggart and Velasco, Amabile, Armagost, Bacon, Bird, Boesenecker, Bradley, Catlin, Clifford, Duran, English, Evans, Frizell, Froelich, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lynch, Mabrey, Marshall, Martinez, Mauro, McLachlan, Ortiz, Ricks, Snyder, Soper, Titone, Valdez, Weinberg, Willford, Woodrow, Young, McCluskie; also SENATOR(S) Roberts and Rich, Baisley, Exum, Fields, Gardner, Ginal, Hinrichsen, Kirkmeyer, Liston, Lundeen, Michaelson Jenet, Simpson, Van Winkle, Will, Fenberg.

**AN ACT**

**CONCERNING PROTECTION FOR PERSONS ASSISTING IN VOLUNTEER HELICOPTER SEARCH AND RESCUE OPERATIONS.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1. Legislative declaration.** (1) The general assembly finds and declares that:

(a) Colorado residents and visitors enjoy outdoor recreation, and the number of people participating in outdoor and backcountry recreation activities has increased significantly in recent years;

(b) Search and rescue calls are at an all-time high as outdoor recreation continues to gain popularity, particularly in Colorado's backcountry areas;

(c) Helicopters are an invaluable asset to rescue units and backcountry search and rescue teams that are searching for lost or injured individuals in Colorado's backcountry and rugged outdoor terrain;

(d) Helicopters allow rescue units and backcountry search and rescue teams to access otherwise inaccessible areas and search large areas quickly, thereby increasing the likelihood of a successful search and rescue operation and decreasing the number of volunteers needed;

(e) Due to limited resources and the necessity of conducting search and rescue operations quickly and efficiently, reliance on privately owned helicopters in the

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

conduct of search and rescue missions in the state has increased; however, there have been major market disruptions to helicopter insurance policies in recent years, which phenomenon has decreased the willingness of private entities to volunteer the use of their helicopters for such missions; and

(f) With fewer privately owned helicopters available for backcountry search and rescue operations, many Coloradans and visitors to the state will be at greater risk in the event that they are lost or injured in Colorado's backcountry and outdoor recreation areas.

(2) Therefore, the general assembly declares that it is in the best interest of Colorado residents and visitors to the state to provide protection to private individuals and entities that volunteer the use of their helicopters during search and rescue operations by giving them immunity from civil liability while they are assisting and participating in rescue or backcountry search and rescue operations.

**SECTION 2.** In Colorado Revised Statutes, 13-21-115.5, **add** (4.5) as follows:

**13-21-115.5. Volunteer service act - immunity - exception for operation of motor vehicles - exception for helicopter search and rescue - short title - legislative declaration - definitions.** (4.5) (a) AS USED IN THIS SUBSECTION (4.5), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "BACKCOUNTRY SEARCH AND RESCUE" HAS THE MEANING SET FORTH IN SECTION 33-1-102 (1.3).

(II) (A) "GOVERNMENTAL ENTITY" MEANS THE STATE, ANY STATE AGENCY OR INSTITUTION, OR ANY AUTHORITY, COUNTY, CITY, CITY AND COUNTY, SPECIAL DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE STATE OR ANY TRIBAL GOVERNMENT WITH JURISDICTION IN COLORADO.

(B) "GOVERNMENTAL ENTITY" INCLUDES ANY INSTITUTION, DEPARTMENT, AGENCY, OR AUTHORITY OF ANY ENTITY LISTED IN SUBSECTION (4.5)(a)(II)(A) OF THIS SECTION.

(III) "RESCUE UNIT" HAS THE MEANING SET FORTH IN SECTION 25-3.5-103 (11).

(IV) "SEARCH AND RESCUE OPERATION" MEANS THE OPERATION OF A RESCUE UNIT OR A BACKCOUNTRY SEARCH AND RESCUE.

(V) NOTWITHSTANDING THE DEFINITION OF "VOLUNTEER" IN SUBSECTION (3)(c) OF THIS SECTION, "VOLUNTEER" MEANS AN INDIVIDUAL, NONPROFIT ORGANIZATION, FOR-PROFIT CORPORATION, PRIVATE ORGANIZATION, OR OTHER PERSON THAT PARTICIPATES AS A VOLUNTEER IN A SEARCH AND RESCUE OPERATION BY ARRANGING OR OPERATING A HELICOPTER FOR USE IN A SEARCH AND RESCUE OPERATION, OR BY ASSISTING AS A HELICOPTER CREW MEMBER IN A SEARCH AND RESCUE OPERATION, WITHOUT COMPENSATION FROM A GOVERNMENTAL ENTITY, OTHER THAN REIMBURSEMENT FOR ACTUAL EXPENSES INCURRED.

(b) A VOLUNTEER IS IMMUNE FROM CIVIL LIABILITY IN ANY ACTION ON THE BASIS OF ANY ACT OR OMISSION OF THE VOLUNTEER RESULTING IN DAMAGE OR INJURY IF:

(I) THE VOLUNTEER ARRANGES THE USE OF, OPERATES, OR ASSISTS AS A CREW MEMBER OF A HELICOPTER:

(A) FOR THE BENEFIT OF A RESCUE UNIT OR BACKCOUNTRY SEARCH AND RESCUE;

(B) ON BEHALF OF A GOVERNMENTAL ENTITY THAT IS LEADING THE RESCUE UNIT OR CONDUCTING THE BACKCOUNTRY SEARCH AND RESCUE;

(C) THAT MEETS THE SAFETY AND TRAINING REQUIREMENTS DESCRIBED IN SUBSECTION (4.5)(c)(II) OF THIS SECTION;

(D) UNDER A MEMORANDUM OF UNDERSTANDING OR OTHER AGREEMENT WITH THE GOVERNMENTAL ENTITY; AND

(E) THAT IS OPERATED IN COMPLIANCE WITH THE FEDERAL AVIATION ADMINISTRATION'S 2018 ADVISORY CIRCULAR AC 00-1.1B, APPENDIX A, "PUBLIC AIRCRAFT OPERATIONS - MANNED AND UNMANNED", AS MAY BE UPDATED BY THE FEDERAL AVIATION ADMINISTRATION;

(II) THE VOLUNTEER IS:

(A) A PILOT WHO SATISFIES, OR EMPLOYS OR CONTRACTS WITH ONE OR MORE PILOTS WHO SATISFY, THE REQUIREMENTS SPECIFIED IN SUBSECTION (4.5)(c)(I) OF THIS SECTION;

(B) IN COMPLIANCE WITH ALL REQUIREMENTS OF THE FEDERAL AVIATION ADMINISTRATION FOR RECENT FLIGHT EXPERIENCE; AND

(C) NOT COMPENSATED BY THE GOVERNMENTAL ENTITY FOR ASSISTING IN A SEARCH AND RESCUE OPERATION, OTHER THAN REIMBURSEMENT FOR ACTUAL EXPENSES INCURRED; AND

(III) THE DAMAGE OR INJURY WAS NOT CAUSED BY WILLFUL OR CRIMINAL MISCONDUCT, GROSS NEGLIGENCE, OR A CONSCIOUS, FLAGRANT INDIFFERENCE TO THE RIGHTS OR SAFETY OF ANY INDIVIDUALS HARMED BY THE VOLUNTEER.

(c) (I) A VOLUNTEER THAT OPERATES A HELICOPTER AS PART OF SEARCH AND RESCUE OPERATIONS IN ACCORDANCE WITH THIS SUBSECTION (4.5) MUST:

(A) HAVE EXPERIENCE IN MOUNTAINOUS LANDINGS, HIGH ALTITUDE OPERATIONS, CONFINED AREA LANDINGS, AND SNOW OPERATIONS;

(B) POSSESS A COMMERCIAL PILOT LICENSE AND INSTRUMENT RATING;

(C) HAVE A MINIMUM OF ONE THOUSAND FIVE HUNDRED HOURS OF TOTAL FLIGHT TIME, INCLUDING AT LEAST FIVE HUNDRED HOURS OF MOUNTAINOUS HELICOPTER TIME AND AT LEAST ONE HUNDRED HOURS OF FLIGHT TIME IN THE TYPE OF HELICOPTER USED IN THE SEARCH AND RESCUE OPERATION; AND

(D) BE CERTIFIED, WITHIN THE PREVIOUS TWELVE MONTHS, BY THE HELICOPTER MANUFACTURER'S INSTRUCTOR, A COMPANY CHECK PILOT, OR A FEDERAL AVIATION

ASSOCIATION-CERTIFIED AND -RATED FLIGHT INSTRUCTOR TO OPERATE THE HELICOPTER USED IN THE SEARCH AND RESCUE OPERATION.

(II) THE OWNER OR OPERATOR OF A HELICOPTER USED IN SEARCH AND RESCUE OPERATIONS MUST ENSURE THAT THE HELICOPTER MEETS THE FOLLOWING SAFETY AND TRAINING REQUIREMENTS:

(A) THE HELICOPTER IS CAPABLE OF OPERATION AT THE ALTITUDE, IN THE TERRAIN, AND IN THE WEATHER CONDITIONS NECESSARY FOR THE RESCUE OR THE SEARCH AND RESCUE OPERATION;

(B) THE HELICOPTER HAS BEEN USED AS PART OF A TRAINING PROGRAM WITH THE RESCUE UNIT OR BACKCOUNTRY SEARCH AND RESCUE TEAM WITHIN THE TWELVE MONTHS IMMEDIATELY PRECEDING USE OF THE HELICOPTER IN A SEARCH AND RESCUE OPERATION;

(C) THE HELICOPTER IS OPERATED UNDER A SAFETY MANAGEMENT SYSTEM THAT HAS BEEN APPROVED BY AN INDEPENDENT THIRD PARTY; AND

(D) THE HELICOPTER IS MAINTAINED IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE FEDERAL AVIATION ADMINISTRATION FOR THE MAINTENANCE AND ALTERATION OF AIRCRAFT PURSUANT TO 14 CFR 91.401 TO 91.499, AS AMENDED.

**SECTION 3.** In Colorado Revised Statutes, **add** 24-33.5-120 as follows:

**24-33.5-120. Airspace deconfliction working group - search and rescue - repeal.** (1) THERE IS CREATED IN THE DEPARTMENT THE AIRSPACE DECONFLICTION WORKING GROUP, REFERRED TO IN THIS SECTION AS THE "WORKING GROUP".

(2) ON OR BEFORE AUGUST 1, 2024, THE EXECUTIVE DIRECTOR SHALL APPOINT THE FOLLOWING MEMBERS TO THE WORKING GROUP:

(a) TWO MEMBERS FROM THE DEPARTMENT;

(b) IN COORDINATION WITH A REPRESENTATIVE FROM THE COUNTY SHERIFFS OF COLORADO, TWO COUNTY SHERIFFS WITH EXPERIENCE IN CONDUCTING SEARCH AND RESCUE OPERATIONS; AND

(c) IN COORDINATION WITH THE ADJUTANT GENERAL OF THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS, CREATED IN SECTION 24-1-127, TWO MEMBERS OF THE DEPARTMENT OF MILITARY AND VETERANS AFFAIRS.

(3) (a) THE EXECUTIVE DIRECTOR SHALL CALL THE FIRST MEETING OF THE WORKING GROUP.

(b) THE WORKING GROUP SHALL MEET AS NECESSARY TO ESTABLISH AIRSPACE DECONFLICTION GUIDELINES IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

(4) (a) ON OR BEFORE JANUARY 1, 2025, THE WORKING GROUP SHALL ESTABLISH

AIRSPACE DECONFLICTION GUIDELINES RELATED TO SEARCH AND RESCUE OPERATIONS.

(b) THE WORKING GROUP SHALL ENSURE THAT THE AIRSPACE DECONFLICTION GUIDELINES ARE APPLICABLE TO ALL PARTIES INVOLVED IN AERIAL SEARCH AND RESCUE OPERATIONS.

(5) THE DEPARTMENT SHALL SEND NOTICE TO ALL RELEVANT ENTITIES, AS DETERMINED BY THE DEPARTMENT, THAT AIRSPACE DECONFLICTION GUIDELINES HAVE BEEN ESTABLISHED AND PUBLISH THE GUIDELINES ON THE DEPARTMENT'S WEBSITE.

(6) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2026.

**SECTION 4.** In Colorado Revised Statutes, 24-33.5-707, **amend** (10)(b); and **add** (10)(c) as follows:

**24-33.5-707. Local and interjurisdictional emergency management agencies and services.** (10) The sheriff of each county shall:

(b) Make use of the search and rescue capability and resources available within the county and request assistance from the office of emergency management only when and if the sheriff determines such additional assistance is required; AND

(c) ESTABLISH A POLICY OR PROCEDURE FOR ADHERING TO THE AIRSPACE DECONFLICTION GUIDELINES ESTABLISHED PURSUANT TO SECTION 24-33.5-120 WHEN THERE COULD BE MULTIPLE AIRCRAFT INVOLVED IN A SEARCH AND RESCUE OPERATION WITHIN THE SHERIFF'S JURISDICTION.

**SECTION 5. Safety clause.** The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: May 3, 2024