

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 24-0734.01 Christopher McMichael x4775

**HOUSE BILL 24-1309**

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**HOUSE SPONSORSHIP**

**Taggart,**

**SENATE SPONSORSHIP**

**Rich,**

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**House Committees**

Agriculture, Water & Natural Resources

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill extends immunity from civil liability for damage or injury, other than that which arises from gross negligence or willful misconduct, to an individual, nonprofit organization, for-profit corporation, private organization, or other person (person) that voluntarily operates or arranges for the use of a helicopter during backcountry search and rescue operations (search and rescue operations), if the person:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

- Arranges or operates the helicopter on behalf of the governmental entity that is leading the search and rescue operation;
- Has an agreement with the governmental entity;
- Is, employs, or otherwise contracts with a pilot that is properly licensed to operate the helicopter; and
- Meets certain safety and training certifications and requirements.

The bill also establishes criteria that volunteer helicopter pilots and the helicopters used in search and rescue operations must satisfy in order for the volunteer helicopter owner or operator to qualify for immunity under the bill.

The bill requires the office of emergency management, the department of military and veterans affairs, and relevant county sheriffs to establish safety, notification, and airspace deconfliction guidelines during search and rescue operations.

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

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

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

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

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

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

1 (e) Due to limited resources and the necessity of conducting  
2 search and rescue operations quickly and efficiently, reliance on privately  
3 owned helicopters in the conduct of search and rescue missions in the  
4 state has increased; however, there have been major market disruptions  
5 to helicopter insurance policies in recent years, which phenomenon has  
6 decreased the willingness of private entities to volunteer the use of their  
7 helicopters for such missions; and

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

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

18 **SECTION 2.** In Colorado Revised Statutes, 13-21-115.5, **add**  
19 (4.5) as follows:

20 **13-21-115.5. Volunteer service act - immunity - exception for**  
21 **operation of motor vehicles - exception for helicopter search and**  
22 **rescue - short title - legislative declaration - definitions.** (4.5) (a) AS  
23 USED IN THIS SUBSECTION (4.5), UNLESS THE CONTEXT OTHERWISE  
24 REQUIRES:

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

27 (II) (A) "GOVERNMENTAL ENTITY" MEANS THE STATE, ANY STATE

1 AGENCY OR INSTITUTION, OR ANY AUTHORITY, COUNTY, CITY, CITY AND  
2 COUNTY, SPECIAL DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THE  
3 STATE OR ANY TRIBAL GOVERNMENT WITH JURISDICTION IN COLORADO.

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

7 (III) "RESCUE UNIT" HAS THE MEANING SET FORTH IN SECTION  
8 25-3.5-103 (11).

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

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

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

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

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

27 (B) ON BEHALF OF A GOVERNMENTAL ENTITY THAT IS LEADING

1 THE RESCUE UNIT OR CONDUCTING THE BACKCOUNTRY SEARCH AND  
2 RESCUE;

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

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

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

12 (II) THE VOLUNTEER IS:

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

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

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

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

25 (c) (I) A VOLUNTEER THAT OPERATES A HELICOPTER AS PART OF  
26 SEARCH AND RESCUE OPERATIONS IN ACCORDANCE WITH THIS SUBSECTION  
27 (4.5) MUST:

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

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

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

11           (D) BE CERTIFIED, WITHIN THE PREVIOUS TWELVE MONTHS, BY THE  
12 HELICOPTER MANUFACTURER'S INSTRUCTOR, A COMPANY CHECK PILOT, OR  
13 A FEDERAL AVIATION ASSOCIATION-CERTIFIED AND -RATED FLIGHT  
14 INSTRUCTOR TO OPERATE THE HELICOPTER USED IN THE SEARCH AND  
15 RESCUE OPERATION.

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

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

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

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

1 AND

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

6 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-705, **add** (9)  
7 as follows:

8 **24-33.5-705. Office of emergency management - creation.**

9 (9) ON OR BEFORE JANUARY 1, 2025, THE OFFICE OF EMERGENCY  
10 MANAGEMENT, IN CONJUNCTION WITH THE DEPARTMENT OF MILITARY AND  
11 VETERANS AFFAIRS, CREATED IN SECTION 24-1-127, AND SHERIFFS FROM  
12 ANY RELEVANT COUNTIES, AS DETERMINED BY THE OFFICE OF EMERGENCY  
13 MANAGEMENT, SHALL ESTABLISH SAFETY, NOTIFICATION, AND AIRSPACE  
14 DECONFLICTION GUIDELINES RELATED TO SEARCH AND RESCUE  
15 OPERATIONS.

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

18 **24-33.5-707. Local and interjurisdictional emergency**  
19 **management agencies and services.** (10) The sheriff of each county  
20 shall:

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

25 (c) ESTABLISH A POLICY OR PROCEDURE FOR ADHERING TO THE  
26 SAFETY, NOTIFICATION, AND AIRSPACE DECONFLICTION GUIDELINES  
27 ESTABLISHED PURSUANT TO SECTION 24-33.5-705 (9) WHEN THERE COULD

1 BE MULTIPLE AIRCRAFT INVOLVED IN A SEARCH AND RESCUE OPERATION  
2 WITHIN THE SHERIFF'S JURISDICTION.

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