

CLSB013.002

DRAFT
4.15.09

FIRST REPORT OF FIRST CONFERENCE COMMITTEE
ON SB09-013

THIS REPORT AMENDS THE
REREVISED BILL

To the President of the Senate and the
Speaker of the House of Representatives:

Your first conference committee appointed on SB09-013, concerning the extension of civil immunity to persons engaged in emergency response activities, has met and reports that it has agreed upon the following:

1. That the Senate accede to the House amendments made to the bill, as the amendments appear in the rerevised bill.

2. That, under the authority granted the committee to consider matters not at issue between the two houses, the following amendments be recommended:

Amend rerevised bill, page 2, line 8, strike "**definition.**" and substitute "**definition - legislative declaration.**".

Page 3, after line 13, insert the following:

"(5) THE GENERAL ASSEMBLY INTENDS THAT THE PROVISIONS OF THIS SECTION AND OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., BE READ TOGETHER AND HARMONIZED. IF ANY PROVISION OF THIS SECTION IS CONSTRUED TO CONFLICT WITH A PROVISION OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", THE PROVISION THAT GRANTS THE GREATEST IMMUNITY SHALL PREVAIL.";

line 16, strike "**definitions.**" and substitute "**definitions - legislative declaration.**".

Page 4, after line 25, insert the following:

"(3) THE GENERAL ASSEMBLY INTENDS THAT THE PROVISIONS OF THIS SECTION AND OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., BE READ TOGETHER AND HARMONIZED. IF ANY PROVISION OF THIS SECTION IS CONSTRUED TO CONFLICT WITH A PROVISION OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", THE PROVISION THAT GRANTS THE GREATEST IMMUNITY SHALL PREVAIL."

Page 5, line 1, after "(1.7)", insert "(a)";

after line 14, insert the following:

"(b) NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (1.7), A PLAINTIFF MAY SUE AND RECOVER CIVIL DAMAGES FROM A PERSON OR ENTITY SPECIFIED IN SAID PARAGRAPH (a) BASED UPON A NEGLIGENT ACT OR OMISSION INVOLVING THE OPERATION OF A MOTOR VEHICLE; EXCEPT THAT THE AMOUNT RECOVERED FROM SUCH PERSON OR ENTITY SHALL NOT EXCEED THE LIMITS OF APPLICABLE INSURANCE COVERAGE MAINTAINED BY OR ON BEHALF OF SUCH PERSON OR ENTITY WITH RESPECT TO THE NEGLIGENT OPERATION OF A MOTOR VEHICLE IN SUCH CIRCUMSTANCES. HOWEVER, NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE RIGHT OF A PLAINTIFF TO RECOVER FROM A POLICY OF UNINSURED OR UNDERINSURED MOTORIST COVERAGE AVAILABLE TO THE PLAINTIFF AS A RESULT OF A MOTOR VEHICLE ACCIDENT.

(c) THE GENERAL ASSEMBLY INTENDS THAT THE PROVISIONS OF THIS SUBSECTION (1.7) AND OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", ARTICLE 10 OF TITLE 24, C.R.S., BE READ TOGETHER AND HARMONIZED. IF ANY PROVISION OF THIS SUBSECTION (1.7) IS CONSTRUED TO CONFLICT WITH A PROVISION OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", THE PROVISION THAT GRANTS THE GREATEST IMMUNITY SHALL PREVAIL."