

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 119*

Judiciary I/Constitution Committee Substitute Adopted 3/6/95

Short Title: Immunity for Vol. Engineers.

(Public)

Sponsors:

Referred to:

February 1, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE QUALIFIED IMMUNITY TO PROFESSIONAL ENGINEERS
WHO VOLUNTARILY PROVIDE ENGINEERING SERVICES DURING A
DECLARED EMERGENCY OR DISASTER WITHOUT COMPENSATION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 89C of the General Statutes is amended by adding a new section to read:

"§ 89C-19.1. Engineer who volunteers during an emergency or disaster; qualified immunity.

(a) A professional engineer who voluntarily, without compensation, provides structural, electrical, mechanical, or other engineering services at the scene of a declared disaster or emergency, declared under federal law or in accordance with the provisions of Article 1 of Chapter 166A of the General Statutes or Article 36A of Chapter 14 of the General Statutes, at the request of a public official, law enforcement official, public safety official, or building inspection official, acting in an official capacity, shall not be liable for any personal injury, wrongful death, property damage, or other loss caused by the professional engineer's acts or omissions in the performance of the engineering services.

1 (b) The immunity provided in subsection (a) of this section applies only to an
2 engineering service:

3 (1) For any structure, building, piping, or other engineered system, either
4 publicly or privately owned.

5 (2) That occurs within 45 days after the declaration of the emergency or
6 disaster, unless the 45-day immunity period is extended by an executive
7 order issued by the Governor under the Governor's emergency executive
8 powers.

9 (c) The immunity provided in subsection (a) of this section does not apply if it
10 is determined that the personal injury, wrongful death, property damage, or other loss was
11 caused by the gross negligence, wanton conduct, or intentional wrongdoing of the
12 professional engineer, or while the professional engineer was operating or responsible for
13 the operation of a motor vehicle.

14 (d) As used in this section:

15 (1) 'Building inspection official' means any appointed or elected federal,
16 State, or local official with overall executive responsibility to coordinate
17 building inspection in the jurisdiction in which the emergency or
18 disaster is declared.

19 (2) 'Law enforcement official' means any appointed or elected federal,
20 State, or local official with overall executive responsibility to coordinate
21 law enforcement in the jurisdiction in which the emergency or disaster
22 is declared.

23 (3) 'Public official' means any federal, State, or locally elected official with
24 overall executive responsibility in the jurisdiction in which the
25 emergency or disaster is declared.

26 (4) 'Public safety official' means any appointed or elected federal, State, or
27 local official with overall executive responsibility to coordinate public
28 safety in the jurisdiction in which the emergency or disaster is
29 declared."

30 Sec. 2. This act is effective upon ratification and applies to any cause of action
31 that arises on or after that date.