

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 119*

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

House Committee Substitute Favorable 6/12/95

Short Title: Immunity for Vol. Engineers/Architects.

(Public)

Sponsors:

Referred to:

February 1, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE QUALIFIED IMMUNITY TO PROFESSIONAL ENGINEERS AND ARCHITECTS 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, 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, property damage, or other loss was caused by the
11 gross negligence, wanton conduct, or intentional wrongdoing of the professional
12 engineer, or with respect to the operation of a motor vehicle.

13 (d) As used in this section:

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

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

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

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

29 Sec. 2. Chapter 83A of the General Statutes is amended by adding a new
30 section to read:

31 "**§ 83A-13.1. Architect who volunteers during an emergency or disaster; qualified**
32 **immunity.**

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

41 (b) The immunity provided in subsection (a) of this section applies only to an
42 architectural service:

- 1 (1) For any structure, building, piping, or other architectural system, either
2 publicly or privately owned.
- 3 (2) That occurs within 45 days after the declaration of the emergency or
4 disaster, unless the 45-day immunity period is extended by an executive
5 order issued by the Governor under the Governor's emergency executive
6 powers.
- 7 (c) The immunity provided in subsection (a) of this section does not apply if it is
8 determined that the personal injury, property damage, or other loss was caused by the
9 gross negligence, wanton conduct, or intentional wrongdoing of the professional architect
10 or with respect to the operation of a motor vehicle.
- 11 (d) As used in this section:
- 12 (1) 'Building inspection official' means any appointed or elected federal,
13 State, or local official with overall executive responsibility to coordinate
14 building inspection in the jurisdiction in which the emergency or
15 disaster is declared.
- 16 (2) 'Law enforcement official' means any appointed or elected federal,
17 State, or local official with overall executive responsibility to coordinate
18 law enforcement in the jurisdiction in which the emergency or disaster
19 is declared.
- 20 (3) 'Public official' means any federal, State, or locally elected official with
21 overall executive responsibility in the jurisdiction in which the
22 emergency or disaster is declared.
- 23 (4) 'Public safety official' means any appointed or elected federal, State, or
24 local official with overall executive responsibility to coordinate public
25 safety in the jurisdiction in which the emergency or disaster is
26 declared."
- 27 Sec. 3. This act is effective upon ratification and applies to any cause of action
28 that arises on or after that date.