

# Good samaritan state statute compendium

## AIA Disaster Assistance

### **Disclaimer:**

This publication is designed to provide selected information in regard to some state statutes relating to the liability of architects in certain circumstances. This guide may or may not be up-to-date as relevant statutes may change at any time. They may also be subject to judicial and regulatory review and interpretation. The reader is urged to consult with an attorney licensed to practice in the relevant jurisdiction.

This information is published and distributed with the understanding that AIA is not engaged in rendering legal or other professional services through this publication. If legal or other professional advice or other expert assistance is required, the services of a competent attorney should be sought.

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# STATE STATUTE COMPENDIUM

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## Introduction

Many states have extended immunity from liability to doctors and various other professionals who are needed during a crisis. Immunity from liability allows these professions to volunteer more readily and gives the public access to crucial services during major disasters. Similarly, a number of states have recognized the importance of giving licensed architects immunity during a disaster. For the public good it is important that other states follow suit and pass Good Samaritan laws for architects.

A number of states have adopted Good Samaritan laws intended to provide at least some protection to licensed architects against liability for voluntary services provided during a government-declared disaster, whether man-made or natural. State or local governments may not have the resources to respond adequately to the challenges that confront them. In keeping with AIA's Code of Ethics, architects are often willing to volunteer their time and services if asked by government agencies to help ensure the preservation of a community's health, safety, and welfare.

Statutes throughout the country can differ widely in scope, dependent on a broad range of issues, and therefore should be carefully understood by each member prior to volunteering in a declared disaster. This compendium is meant to offer excerpts from such statutes in order to compare the similarities and differences that exist on this issue throughout the country.<sup>1</sup>

Learn more about AIA's Disaster Assistance visit: [aia.org/disaster](http://aia.org/disaster)

## Advantages of Good Samaritan laws

State legislatures throughout the country, by passing Good Samaritan laws, express a willingness to protect architects from unnecessary liability claims that may arise from voluntary work during emergencies. Architects who choose to assist communities during emergencies should not have to be concerned about possible liability issues.

During such situations, a licensed architect may be exposed to questions of liability even though he or she is acting in good faith to preserve the safety of a community. While most states have statutes that cover certain volunteers from liability during an emergency situation, it is questionable if these statutes would shield an architect from liability if he or she is called upon to render professional services in a time of crisis. This ambiguity needs to be removed by passing adequate Good Samaritan legislation.

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<sup>1</sup> Please note: While every effort has been made to find statutes which cover Good Samaritan laws for a particular state, this list is not all inclusive. This compendium is an ongoing project which is expected to grow over time. There exists the possibility that a state may have authorized Good Samaritan laws through administrative, regulatory, or some other action. The statutes cited here are also subject to judicial interpretation, and may need to be reviewed in light of relevant court opinions. In addition, statutes may change from time to time because of legislative action. This compendium is for reference only and in no way is expected to take the form of legal advice. For that reason, please contact the state or your attorney directly if there is a question on a state's authority to use Good Samaritan laws. Further, the statutes listed herein were culled from the official websites for each state. As such, the formatting and display of the statute will differ widely.

# STATE STATUTE COMPENDIUM

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## Beyond Good Samaritan laws

While Good Samaritan laws provide liability protection for architect's volunteering post-disaster; there are additional policies that can further support architects and the communities they serve.

- » **Workers' compensation:** If an architect experiences an injury or fatality while performing pro-bono safety assessment services post-disaster; who will cover medical costs and associated expenses? A clear understanding of responsibility benefits all parties. Determine appropriate workers compensation before assessments commence.
- » **Portability of Licensure:** Architects are licensed by each individual state rather than at a national level. During a large-scale disaster, the limitations of legal practice can inhibit adequate response efforts that necessitate outside reinforcements to meet the need. Local architects may be tending to their own families, communities and business and need assistance from architects in neighboring states to fill the gap. To overcome this typical legal barrier in this critical yet temporary situation, the state architectural licensing board can advocate for policies that allow out-of-state licensed architects to serve as "emergency workers" during a disaster declaration. Architects volunteering through the Emergency Management Assistance Compact will be subject to the policies and protocols of the state-to-state agreement.
- » **Establishment of Professional Training Standard:** Based on the State of California's training program, the AIA Safety Assessment Program (SAP) Training educates architects, engineers, and building inspectors to evaluate the post-disaster safety and habitability of homes, buildings, and infrastructure as a Building Evaluator. This training equips architects and other design professionals to serve their local communities.
- » **Formation of an Activation-Ready Volunteer Network:** AIA created the State Coordinator Network to efficiently and effectively dispatch trained volunteers when requested by the local building department or state emergency management agency. State-level emergency managers and the state AIA Disaster Assistance Coordinator should collaborate before a disaster to establish appropriate methods of communication and post-disaster activation.

# AIA MODEL GOOD SAMARITAN STATUTE

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**1.** As used in this Section:

- a.** “Professional Engineer” shall mean a person duly licensed under the state engineering licensure law as a professional engineer;
- b.** “Licensed Architect” shall mean a person duly licensed under state architectural licensure laws as a licensed architect;
- c.** “Public Official” means any federal, state, or local official with executive responsibility in the jurisdiction in which a disaster has been declared;
- d.** “Public Safety Official” means any appointed or elected federal, state, or local official with executive responsibility to coordinate public safety in the jurisdiction in which a disaster has been declared;
- e.** “Law Enforcement Official” means any appointed or elected federal, state, or local official with executive responsibility to coordinate law enforcement in the jurisdiction in which a disaster has been declared; and
- f.** “Building Inspection Official” means any appointed or elected federal, state, or local official with executive responsibility to coordinate building inspection in the jurisdiction in which a disaster has been declared.

**2.** A licensed architect who voluntarily, without compensation (other than expense reimbursement) provides architectural services, or professional engineer who voluntarily, without compensation (other than expense reimbursement), provides engineering services related to a declared national, state, or local disaster caused by an earthquake, hurricane, tornado, fire, explosion, collapse, or other similar catastrophic event, at the direction or request of or with the approval of a national, state, or local public official, law enforcement official, public safety official, or building inspection official believed by the licensed architect or professional engineer to be acting in an official capacity, shall not be liable for any personal injury, wrongful death, property damage, or other injury or loss of any nature related to the licensed architect’s or professional engineer’s acts, errors, or omissions in the performance of any architectural services (in the case of a licensed architect) or engineering services (in the case of a professional engineer) for any structure, building, facility, project utility, equipment, machine, process, piping, or other system, either publicly or privately owned.

**3.** The immunity provided in Section 2 shall apply only to voluntary architectural or engineering services that occur during the declared disaster, or within 90 days following the end of the period for the disaster, unless extended in a manner in accordance with applicable law (including, but not limited to) extension by an executive order issued by the Governor under the Governor’s emergency executive powers.

**4.** Nothing in Section 2 shall provide immunity for injury or loss resulting from wanton, willful, or intentional misconduct by the licensed architect or professional engineer.

# ALABAMA

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## Individuals identified in the statute

Any licensed engineer, licensed architect, licensed surveyor, licensed contractor, licensed subcontractor, or other individual working under the direct supervision of the licensed individual who participates in emergency response activities under the direction of, or in connection with, a community emergency response team, county emergency management agency, the state emergency management agency, or the Federal Emergency Management Agency.

## Type of emergency

Declared emergency

## Time restriction

Within 90 days (Amended June 2011)

## Statutory language

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### 6-5-332

(f) Any licensed engineer, licensed architect, licensed surveyor, licensed contractor, licensed subcontractor, or other individual working under the direct supervision of the licensed individual who participates in emergency response activities under the direction of, or in connection with, a community emergency

response team, county emergency management agency, state emergency management agency, or Federal Emergency Management Agency shall not be liable for any civil damages as a result of any acts, services, or omissions provided without compensation, in such capacity if the individual acts as a reasonably prudent person would

have acted under the same or similar circumstances. The immunity provided in this subsection shall apply to any acts, services, or omissions provided within 30 days after declaration of the emergency.

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# ALASKA

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## Individuals identified in the statute

A person who provides equipment or services on the request of a police agency, fire department, rescue or emergency squad, or other governmental agency.

## Type of emergency

N/A

## Time restriction

During a state of emergency.

## Statutory language

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**Sec. 09.65.091. Civil liability for responding to disaster. (a)** A person who provides equipment or services on the request of a police agency, fire department, rescue or emergency squad, or other governmental agency

during a state of emergency declared by an authorized representative of the state or local government is not liable for the death of or injury to any person or damage to any property caused by that person's actions, except when the

trier of facts finds that the person acted intentionally, recklessly, or with gross negligence.

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# ARIZONA

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## Individuals identified in the statute

- » Members, agents and employees of the Board of Technical Registration (including architects).
- » Members of advisory committees and statutorily established committees of the board.
- » Registrants volunteering professional services to emergency services personnel as part of an authorized board program.

## Type of emergency

N/A

## Time restriction

N/A

## Statutory language

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### 32-110 Immunity from personal liability

Members, agents and employees of the board, members of advisory committees and statutorily established committees of the board and registrants volunteering professional services to emergency services personnel at the scene of a disaster as part of an authorized board program are immune from personal liability with respect to acts done and actions taken in good faith within the scope of their authority.

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# ARKANSAS

## Individuals identified in the statute

- » Registered architect
- » Professional engineer

## Type of emergency

A declared national, state, or local emergency caused by an earthquake, hurricane, tornado, fire, explosion, collapse, or other similar disaster or catastrophic event.

## Time restriction

During the emergency or within ninety (90) days following, unless extended by an executive order issued by the Governor under the Governor's emergency executive powers.

## Statutory language

### Universal Citation: AR Code § 17-15-106 (2015)

**(a)** If a registered architect or professional engineer voluntarily, without compensation other than expense reimbursement, provides architectural, structural, electrical, mechanical, or other design professional services related to a declared national, state, or local emergency caused by an earthquake, hurricane, tornado, fire, explosion, collapse, or other similar disaster or catastrophic event, at the request of or with the approval of a national, state, or local public official, law enforcement official, public safety official, or building inspection official believed by the registered architect or professional engineer to be acting in his or her official capacity, the registered architect or professional engineer shall not be liable for any personal injury, wrongful death, property damage, or other loss of any nature related to the registered architect's or professional engineer's acts, errors, or omissions in the performance of any

architectural or engineering services for any structure, building, facility, project utility, equipment, machine, process, piping, or other system, either publicly or privately owned.

**(b)** The immunity provided under subsection (a) of this section shall apply only to a voluntary architectural or engineering service that occurs during the emergency or within ninety (90) days following the end of the period for an emergency or other similar disaster or catastrophic event, unless extended by an executive order issued by the Governor under the Governor's emergency executive powers.

**(c)** This section does not provide immunity for wanton, willful, or intentional misconduct.

**(d)** As used in this section:

**(1)** "Building inspection official" means an appointed or elected federal, state, or local official with the executive responsibility to coordinate building inspection in the jurisdiction in which an emergency or event has occurred;

**(2)** "Law enforcement official" means an appointed or elected federal, state, or local official with the executive responsibility to coordinate law enforcement in the jurisdiction in which an emergency or event has occurred;

**(3)** "Professional engineer" means a person licensed as an engineer under a state's engineering licensure laws;

**(4)** "Public official" means a federal, state, or local elected official with the executive responsibility in the jurisdiction in which an emergency or event has occurred;

**(5)** "Public safety official" means an appointed or elected federal, state, or local official with the executive responsibility to coordinate public safety in the jurisdiction in which an emergency or event has occurred; and

**(6)** "Registered architect" means a person licensed under a state's architectural licensure laws as a registered architect.

# CALIFORNIA<sup>2</sup>

## Individuals identified in the statute

Architects who, voluntarily and without compensation, provide structural inspection services at the request of a public official, public safety officer, or city or county building inspector acting in an official capacity.

## Type of emergency

Declared national, state, or local emergency caused by a major earthquake, flood, riot, or fire.

## Time restriction

Within 30 days of the declared emergency.

## Statutory language

### 5536.27

**(a)** An architect who voluntarily, without compensation or expectation of compensation, provides structural inspection services at the scene of a declared national, state, or local emergency caused by a major earthquake, flood, riot, or fire at the request of a public official, public safety officer, or city or county building inspector acting in an official capacity shall not be liable in negligence for any personal injury, wrongful death, or property damage caused by the architect's good faith but negligent inspection of a structure used for human habitation or a structure owned by a public entity for structural integrity or nonstructural elements affecting life and safety. The immunity provided by this section shall apply only for an inspection that

occurs within 30 days of the declared emergency.

Nothing in this section shall provide immunity for gross negligence or willful misconduct.

**(b)** As used in this section:

**(1)** "Architect" has the meaning given by Section 5500.

**(2)** "Public safety officer" has the meaning given in Section 3301 of the Government Code.

**(3)** "Public official" means a state or local elected officer.

<sup>2</sup> The California Office of Emergency Services has formed a Safety Assessment Program to train and register licensed architects, engineers, and building officials to conduct post-disaster damage assessments. Any architect interested in volunteering after a disaster is strongly encouraged to complete the SAP Building Evaluator course to enhance their protection from liability.

# COLORADO

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## Individuals identified in the statute

Architects who, voluntarily and without compensation render architectural assistance.

## Type of emergency

A disaster emergency declared by executive order or proclamation of the governor.

## Time restriction

Within 30 days of the declared emergency.

## Statutory language

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### **13-21-108.3 Architects and professional engineers rendering assistance during emergency or disaster – qualified immunity from civil liability.**

**(1)** An architect licensed pursuant to article 4 of title 12, C.R.S., or a professional engineer licensed pursuant to article 25 of title 12, C.R.S., who voluntarily and without compensation provides architectural or engineering services, respectively, at the scene of an emergency shall not be liable for any personal injury, wrongful death, property damage, or other loss caused by an act or omission of such architect or engineer in performing such services.

**(2)** As used in this section, “emergency” means a disaster emergency declared by executive order or proclamation of the governor pursuant to section 24-32-2104 (4), C.R.S.

**(3)** The immunity provided in subsection (1) of this section applies only to an architectural or engineering service that:

**(a)** Concerns an identified building,

structure, or other architectural or engineering system, whether publicly or privately owned;

**(b)** Relates to the structural integrity of the building, structure, or system or to a nonstructural element thereof affecting life safety; and

**(c)** Is rendered during the time in which a state of disaster emergency exists, as provided in section 24-32-2104 (4), C.R.S.

**(4)** Nothing in this section shall provide immunity for gross negligence or willful misconduct.

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# CONNECTICUT

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## Individuals identified in the statute

The state, any political subdivision of the state, the agents or representatives of the state or any political subdivision, any member of the civil preparedness forces, any person authorized by such civil preparedness forces or by any member of such civil preparedness forces, or any person employed by or authorized to assist any agency of the federal government in the prevention or mitigation of any major disaster or emergency.

## Type of emergency

Any major disaster or emergency.

## Time restriction

Within 30 days of the declared emergency.

## Statutory language

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### Sec. 28-13 Immunity from liability.

**(a)** Neither the state nor any political subdivision of the state nor, except in cases of willful misconduct, the agents or representatives of the state or any political subdivision thereof nor any member of the civil preparedness forces of the state nor any person authorized by such civil preparedness forces or by any member of such civil preparedness forces complying with or attempting to comply with this chapter or any order or regulation promulgated pursuant to the provisions of this chapter, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state nor any person employed by or authorized to assist any agency of the federal government in the prevention or mitigation of any major disaster or emergency, shall be liable for the death of or injury to persons or for damage to property as a result of any such activity. The Attorney General shall appear for and defend the state, any

political subdivision of the state and the agents or representatives of the state or any political subdivision thereof or any member of the civil preparedness forces of the state or any other person exempted from liability for his acts under this section in any civil action brought for the death of or injury to persons or for damage to property as a result of any civil preparedness activity.

**(b)** Any person, corporation, partnership or association who denies access to property owned or under the control of such entity to any person acting in accordance with this chapter during a civil preparedness emergency, shall be fined not less than fifty dollars nor more than five hundred dollars.

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# DELAWARE

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## Individuals identified in the statute

The State, any county in the State, any municipal corporation of the State, any other political subdivision of the State, any agency of any of them, the agents, employees or representatives of any of them engaged in emergency or disaster relief operations and activities in connection with any emergency or disaster or any person, firm, corporation or other entity performing work and/or furnishing material pursuant to a contract entered into as a result of the declaration by the Governor of an emergency order.

## Type of emergency

Any emergency or disaster, or declaration by the Governor of an emergency order.

## Time restriction

N/A

## Statutory language

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### § 3129 Immunity from civil liability.

Neither the State, nor any county in the State, nor any municipal corporation of the State, nor any other political subdivision of the State, nor any agency of any of them, nor the agents, employees or representatives of any of them engaged in emergency or disaster relief operations and activities in connection with any emergency or disaster pursuant to this chapter, nor any person, firm, corporation or other entity performing work and/or furnishing material pursuant to a contract (oral or written) with the State or with any county in the State, or with any municipal corporation of the State, or with any other political subdivision of the State or with any agency of any

of them, entered into as a result of the declaration by the Governor of an emergency order or entered into as a part of efforts to comply with this chapter, shall be liable for the death of or any injury to persons, or damage to property, as a result of such relief operations and activities and/or the performance of or attempts to perform such contract, unless such death, injury or damage was intentional on the part of, or was caused by the willful or wanton disregard of the rights of others by the State, or by the county, or by the municipal corporation, or by the other political subdivision, as the case may be, or by any agency of any of them, or by the agents, employees or representatives of any of them or by such

person, firm, corporation or other entity engaged in such emergency or disaster relief operations and activities and/or the performance and attempted performance of such contract, as the case may be. These provisions shall not affect the right of any person to receive statutory benefits to which he/she would otherwise be entitled in the absence of this section or under the Workers' Compensation Act (Chapter 23 of Title 19) or under any pension law, or the right of any such person to receive any benefits or compensation under any act of Congress. (59 Del. Laws, c. 506, § 1; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 207, § 1.)

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# FLORIDA

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## Individuals identified in the statute

An engineer as defined in s. 471.005, an architect as defined in s. 481.203, or a structures specialist, and any qualified business organization of such person, who voluntarily participates in emergency response activities by providing engineering or architectural services while under the direction of, or in connection with, a community emergency response team, a local emergency management agency, the Division of Emergency Management, or the Federal Emergency Management Agency.

## Type of emergency

A declared federal, state, or local emergency.

## Time restriction

Within 90 days of the first declaration of a particular federal, state, or local emergency.

## Statutory language

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### 768.38 Limitation of liability for certain voluntary engineering or architectural services.

**(1)** For the purposes of this section, the term “structures specialist” means a person who has been trained by, and holds a current certification from, the United States Army Corps of Engineers as a structures specialist.

**(2)** An engineer as defined in s. 471.005, an architect as defined in s. 481.203, or a structures specialist, and any qualified business organization of such person, who voluntarily participates in emergency response activities by providing engineering or architectural services while under the direction of, or in connection with, a community emergency response team, a local emergency management agency, the Division of Emergency Management, or the Federal Emergency Management Agency in response to a declared federal, state, or local emergency, may not be held liable for any personal injury, wrongful death, property damage, or other economic loss

related to his or her acts or omissions in the performance of his or her services, unless the act or omission constituted gross negligence or willful misconduct.

**(3)** The immunity from liability under this section also applies to any person who is licensed or registered as an engineer or architect in any other jurisdiction and who is rendering aid in this state as a member of a mobile support unit of another state.

**(4)** The immunity from liability under this section applies only to services provided within 90 days of the first declaration of a particular federal, state, or local emergency.

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# GEORGIA

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## Individuals identified in the statute

Any natural person who voluntarily and without the expectation or receipt of compensation provides services during a time of emergency.

## Type of emergency

Declared emergency (damage resulting from catastrophic acts of nature, including fire, flood, earthquake, wind, storm, or wave action).

## Time restriction

N/A

## Statutory language

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### 51-1-29.2

Any natural person who voluntarily and without the expectation or receipt of compensation provides services during a time of emergency and in a place of emergency as declared by the Governor for the benefit of any individual to

prevent, minimize, and repair injury and damage to property resulting from catastrophic acts of nature, including fire, flood, earthquake, wind, storm, or wave action, shall not be liable to any individual receiving such assistance as a result of any act or omission in rendering

such service if such person was acting in good faith and unless the damage or injury was caused by the willful or wanton negligence or misconduct of such person.

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# HAWAII

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There are no statutes on file for this state.

# IDAHO

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There are no statutes on file for this state.

***This information comes with a disclaimer. Please reference cover for full disclaimer information.***

# ILLINOIS

## Individuals identified in the statute

Any professional architect who, in good faith and without fee provides professional services in response to a disaster or catastrophic event.

## Type of emergency

Disasters or catastrophic events.

## Time restriction

60 days

## Statutory language

**Sec. 72.** Professional engineers, architects, land surveyors, and structural engineers; exemption from civil liability for professional services in response to disasters or catastrophic events. Any professional engineer, architect, land surveyor, or structural engineer who in good faith, without fee, provides professional services in response to a disaster or other catastrophic event shall not be liable for civil damages as a result of his or her acts or omissions in providing the professional services, except for willful and wanton misconduct. This immunity applies to services that are provided without fee during or within 60 days following the end of a disaster or catastrophic event.

(Source: P.A. 94-290, eff. 1-1-06.)

### 20 ILCS 3305/15

**Sec. 15. Immunity.** Neither the State, any political subdivision of the State, nor, except in cases of gross negligence or willful misconduct, the Governor, the Director, the Principal Executive Officer of a political subdivision, or the agents,

employees, or representatives of any of them, engaged in any emergency management response or recovery activities, while complying with or attempting to comply with this Act or any rule or regulations promulgated pursuant to this Act is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This Section does not, however, apply to political subdivisions and principal executive officers required to maintain emergency services and disaster agencies that are not in compliance with Section 10 of this Act, notwithstanding provisions of any other laws. This Section does not, however, affect the right of any person to receive benefits to which he or she would otherwise be entitled under this Act under the Workers' Compensation Act or the Workers' Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress. (Source: P.A. 92-73, eff. 1-1-02.)

**Sec. 16. Professions, Trades and Occupations.** If such disaster as is described in Section 4 occurs in this State and the services of persons who are competent to practice any profession, trade or occupation are required in this State to cope with the disaster and it appears that the number of persons licensed or registered in this State to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of a mobile support team or unit of another state rendering aid in this State pursuant to the order of the Governor of their home state and upon the request of the Governor of this State, or if otherwise requested so to do by the Governor or the Director of this State, during the time the disaster continues, practice such profession, trade or occupation in this State without being licensed or registered in this State. (Source: P.A. 85-1027.)



**Sec. 21. No Private Liability.**

**(a)** Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a exercise together with his or her successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of

such person.

**(b)** Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the State, or any political subdivision of the State under the provisions of this Act shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

**(c)** Any private person, firm or corporation, and any employee or agent of such person, firm or corporation, who renders assistance or advice at the request of the State, or any political

subdivision of the State under this Act during an actual or impending disaster, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct.

The immunities provided in this subsection (c) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

(Source: P.A. 92-73, eff. 1-1-02.)

# INDIANA

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## Individuals identified in the statute

An architect registered under IC 25-4-1, a land surveyor registered under IC 25-21.5, or a professional engineer registered under IC 25-31-1 who, after May 31, 2013, voluntarily, without compensation (other than expense reimbursement), provides architectural, structural, electrical, mechanical, or professional services:

- A. related to a declared national, state, or local emergency caused by an earthquake, hurricane, tornado, fire, explosion, gale, severe storm, flood, or collapse; and
- B. at the request of or with the approval of a federal or state official with executive responsibility in the jurisdiction to coordinate:

- » law enforcement;
- » public safety; or
- » building inspection;
- » believed by the registered architect, land surveyor, or professional engineer to be acting in an official capacity;

is not liable for any personal injury, wrongful death, property damage, or other loss of any nature related to the registered architect's, land surveyor's, or professional engineer's acts, errors, or omissions in the performance of the services.

## Type of emergency

N/A

## Time restriction

N/A

## Statutory language

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Notes are in reference to liability statutes in this state.

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# IOWA

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## Individuals identified in the statute

An architect licensed pursuant to chapter 544A or a professional engineer licensed pursuant to chapter 542B.

## Type of emergency

During a disaster emergency as proclaimed by the governor or a major disaster as declared by the president of the United States.

## Time restriction

N/A

## Statutory language

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Section 1. NEW SECTION. 29C.20C  
Immunity — licensed architects and  
professional engineers.

An architect licensed pursuant to chapter 544A or a professional engineer licensed pursuant to chapter 542B who, during a disaster emergency as proclaimed by the governor or a major disaster as declared by the president of the United States, in good faith and at the request of or with the approval of a national, state, or local public official, law enforcement official, public safety official, or building inspection official believed by the licensed architect or professional engineer to be acting in an official capacity, voluntarily and without compensation provides architectural, engineering, structural, electrical, mechanical, or other design professional services related to the disaster emergency shall not be liable for civil damages for

any acts or omissions resulting from the services provided, unless such acts or omissions constitute recklessness or willful and wanton misconduct. A licensed architect or professional engineer who receives expense reimbursement for the performance of services described in this section shall not be considered to have received compensation for such services.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

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# KANSAS

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## Individuals identified in the statute

A licensed architect who voluntarily, without compensation or expectation of compensation, provides structural inspection services at the request of a public official, public safety officer or city or county building inspector acting in an official capacity.

## Type of emergency

A declared national, state or local emergency caused by a tornado, flood or other natural disaster.

## Time restriction

Within 90 days.

## Statutory language

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### **60-4201 Architects and engineers; immunity from liability in certain circumstances.**

**(a)** An architect, defined and licensed under K.S.A. 74-7003 et seq. and amendments thereto, or professional engineer, defined and licensed under K.S.A. 74-7003 et seq. and amendments thereto, who voluntarily, without compensation or expectation of compensation, provides structural inspection services at the scene of

a declared national, state or local emergency caused by a tornado, flood or other natural disaster at the request of a public official, public safety officer or city or county building inspector acting in an official capacity shall not be liable in negligence for any personal injury or property damage caused by the architect's or engineer's good faith but negligent inspection of a structure used for human habitation or a structure owned by a public entity for structural

integrity or nonstructural elements affecting life and safety.

**(b)** The immunity provided by this section shall apply only for an inspection that occurs within 90 days of the disaster. Nothing in this section shall provide immunity for gross negligence or willful misconduct.

History: L. 1994, ch. 167, S. 1; July 1.

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# KENTUCKY

## Individuals identified in the statute

The employees, agents or representatives of the state or any of its political divisions, any volunteer or auxiliary emergency management agency or disaster and emergency services organization member or disaster and emergency response worker or member of any agency engaged in any emergency management or disaster and emergency services or disaster and emergency response activity.

## Type of emergency

N/A

## Time restriction

N/A

## Statutory language

### **39A.280 Nature of disaster and emergency response functions provided by state or local management agency -- Immunity, exceptions.**

**(1)** Disaster and emergency response functions provided by a state or local emergency management agency, or any emergency management agency supervised operating units or personnel officially affiliated with a local disaster and emergency services organization pursuant to KRS 39B.070, shall not, in itself, be deemed to be the making of a promise, or the undertaking of a special duty, towards any person for the services, or any particular level of, or manner of providing, the services; nor shall the provision of or failure to provide these services be deemed to create a special relationship or duty towards any person upon which an action in negligence or other tort might be founded. Specifically:

**(a)** The failure to respond to a disaster or other emergency, or to undertake particular inspections or types of inspections, or to maintain any particular

level of personnel, equipment, or facilities, shall not be a breach of any duty to persons affected by any disaster or other emergency.

**(b)** When a state or local emergency management agency, or local emergency management agency-supervised operating unit officially affiliated with a local disaster and emergency services organization, does undertake to respond to a disaster or other emergency, the failure to provide the same level or manner of service, or equivalent availability or allocation of resources as may or could be provided, shall not be a breach of any duty to persons affected by that disaster or other emergency.

**(c)** A state or local emergency management agency, or local emergency management agency-supervised operating unit officially affiliated with a local disaster and emergency services organization shall not have or assume any duty towards any person to adopt, use, or avoid any particular strategy or tactic in responding to a disaster or other

emergency.

**(d)** A state or local emergency management agency, or local emergency management agency-supervised operating unit officially affiliated with a local disaster and emergency services organization, in undertaking disaster and emergency preparedness or prevention activities including inspections, or in undertaking to respond to a disaster or other emergency, shall not have voluntarily assumed any special duty with respect to any risks which were not created or caused by it, nor with respect to any risks which might have existed even in the absence of that activity or response, nor shall any person have a right to rely on such an assumption of duty.

**(2)** Neither the state nor any political subdivision of the state, nor the agents or representatives of the state or any of its political subdivisions, shall be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer emergency

management agency member, or disaster and emergency services member, or disaster and emergency response worker, or member of any agency engaged in any emergency management or disaster and emergency services or disaster and emergency response activity. The immunity provided by this subsection shall not apply to the extent that the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance for an act or omission covered by this subsection. To the extent that the state, a political subdivision of the state, or a person or an organization maintains liability insurance or self-insurance, sovereign immunity shall not be claimed with regard to an act or omission covered by this subsection. This immunity shall not affect the right of any person to receive benefits or compensation to which the person might otherwise be entitled under the Workers' Compensation Law, or this chapter, or any pension law, or any Act of Congress.

**(3)** Subject to subsection (6) of this section, neither the state nor any political subdivision of the state nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any of its political divisions, nor any volunteer or auxiliary emergency management agency or disaster and emergency services organization member or disaster and emergency response worker or member of any agency engaged in any emergency management or disaster and emergency services or disaster and emergency response activity, complying with or reasonably attempting to comply with this chapter or any order or administrative regulation promulgated pursuant to the provisions of this chapter, or other precautionary measures enacted by any city of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of that

activity. The immunity provided by this subsection shall not apply to the extent that the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance for an act or omission covered by this subsection. To the extent that the state, a political subdivision of the state, or a person or an organization maintains liability insurance or self-insurance, sovereign immunity shall not be claimed with regard to an act or omission covered by this subsection.

**(4)** Decisions of the director, his subordinates or employees, a local emergency management director, or the local director's subordinates or employees, a rescue chief or the chief's subordinates, concerning the allocation and assignment of personnel and equipment, and the strategies and tactics used, shall be the exercise of a discretionary, policy function for which neither the officer nor the state, county, urban-county, charter county, or city, or local emergency management agency supervised operating unit formally affiliated with a local disaster and emergency services organization, shall be held liable in the absence of malice or bad faith, even when those decisions are made rapidly in response to the exigencies of an emergency.

**(5)** Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part of the real estate or premises for the purpose of sheltering persons during an actual, impending, mock, or practice disaster or emergency, together with his or her successors in interest, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about the real estate or premises for loss of, or damage to, the property of that person. The immunity provided by this subsection shall not apply to the extent

that the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance for an act or omission covered by this subsection. To the extent that the state, a political subdivision of the state, or a person or organization maintains liability insurance or self-insurance, sovereign immunity shall not be claimed with regard to an act or omission covered by this subsection.

**(6)** Subsection (3) of this section shall apply to a volunteer or auxiliary disaster and emergency response worker only if the volunteer or worker is enrolled or registered with a local disaster and emergency services organization or with the division in accordance with the division's administrative regulations.

**(7)** While engaged in disaster and emergency response activity, volunteers and auxiliary disaster and emergency response workers enrolled or registered with a local disaster and emergency service organization or with the division in accordance with subsection (6) of this section shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of the state and its political subdivisions performing similar work, including the provisions of KRS 12.211, 12.212, and 12.215, allowing the Attorney General to provide defense of any civil action brought against a volunteer enrolled or registered with a local disaster or emergency service organization or with the division due to an act or omission made in the scope and course of a disaster and emergency response activity.

Effective: July 15, 1998

History: Created 1998 Ky. Acts ch. 488, sec. 2, effective July 15, 1998, superseding 1998 Acts ch. 226, sec. 24, effective July 15, 1998.

# LOUISIANA

## Individuals identified in the statute

A registered and licensed architect who voluntarily, without compensation, provides architectural, structural, electrical, mechanical or other engineering services, or land surveying services at the request of or with the approval of a federal, state, or local public official, law enforcement official, public safety official, or building inspection official acting in an official capacity.

## Type of emergency

Declared federal, state, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, flood, or other similar disaster or catastrophic event.

## Time restriction

During the emergency

## Statutory language

### RS 37§1736 Immunity from liability for architects, engineers, and land surveyors

i. As used in this Section, the following terms shall have the following meanings:

(1) "Architect" means a person registered and licensed pursuant to the provisions of R.S. 37:141 et seq.

(2) "Building inspection official" means any federal, state, or local official with overall executive responsibility to coordinate building inspection in the jurisdiction in which the emergency or event has occurred.

(3) "Law enforcement official" means any federal, state, or local official with overall executive responsibility to coordinate law enforcement in the jurisdiction in which the emergency or event has occurred.

(4) "Professional engineer" means a person licensed under the provisions of Chapter 8 of this Title, as defined in R.S. 37:682.

(5) "Professional land surveyor" means a person licensed under the provisions

of Chapter 8 of this Title, as defined in R.S. 37:682.

(6) "Public official" means any federal, state, or local official with overall executive responsibility in the jurisdiction in which the emergency or event has occurred.

(7) "Public safety official" means any federal, state, or local official with overall executive responsibility to coordinate public safety in the jurisdiction in which the emergency or event has occurred.

ii. An architect, a professional engineer, or professional land surveyor who voluntarily, without compensation, provides architectural, structural, electrical, mechanical or other engineering services, or land surveying services related to a declared federal, state, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, flood, or other similar disaster or catastrophic event at the request of or with the approval of a federal, state, or local 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 related to the architect's, professional engineer's, or professional land surveyor's acts, errors, or omissions in the performance of any architectural, engineering, or land surveying services for any structure, building, piping, or other engineered system, either publicly or privately owned.

iii. The immunity provided in this Section shall apply only to voluntary architectural, engineering, or land surveying services that occur during the emergency.

iv. Nothing in this Section shall provide immunity for gross negligence for wanton, willful, or intentional misconduct. Acts 1997, No. 1062, §1; Acts 2003, No. 279, §5.

# MAINE

## Individuals identified in the statute

An architect, contractor, environmental professional, land surveyor, landscape architect, planner or engineer

## Type of emergency

A natural disaster or catastrophe

## Time restriction

Within 90 days following the end of the natural disaster or catastrophe, unless the period of emergency is extended by an executive order issued by the President of the United States or the Governor

## Statutory language

Sec. 1. 14 MRSA §172 is enacted to read:

§ 172. Liability related to professional services for natural disaster or catastrophe

I. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Architect" means a person licensed as an architect under Title 32, chapter 3-A.

B. "Building inspection official" means a public official with executive responsibility to coordinate building inspection in the jurisdiction in which a natural disaster or catastrophe has occurred.

C. "Contractor" means a person engaged in the business of designing, developing, constructing, altering, adding to or repairing new or existing structures, buildings, facilities, project utilities, equipment, machines, processes, piping or other engineered systems or infrastructure or their appurtenances.

D. "Engineer" means a person licensed

as a professional engineer under Title 32, chapter 19.

E. "Environmental official" means a public official with executive responsibility for coordinating an environmental response in the jurisdiction in which a natural disaster or catastrophe has occurred.

F. "Environmental professional" means a person engaged in the business of providing hazardous waste site clean-up services. "Environmental professional" includes a hazardous waste transporter licensed according to Title 38, section 1319-O.

G. "Land surveyor" means a person licensed as a professional land surveyor according to Title 32, chapter 141.

H. "Landscape architect" means a person licensed as a landscape architect under Title 32, chapter 3-A.

I. "Law enforcement official" means a public official with executive responsibility to coordinate law enforcement in the jurisdiction in which a natural disaster or catastrophe has occurred.

J. "Natural disaster or catastrophe"

means an event, whether natural or human-made, that is declared an emergency by the President of the United States or by the Governor or that results in the deployment of emergency response personnel or the displacement of persons from the area of the event.

K. "Planner" means a person certified by the American Institute of Certified Planners, or successor organization, as a certified planner.

L. "Public official" means a federal, state or local appointed or elected official with executive responsibility in the jurisdiction in which a natural disaster or catastrophe has occurred.

M. "Public safety official" means a public official with executive responsibility to coordinate public safety in the jurisdiction in which a natural disaster or catastrophe has occurred.

2. Immunity. An architect, contractor, environmental professional, land surveyor, landscape architect, planner or engineer who voluntarily, without compensation other than expense



## Maine statutory language CONTINUED >>

reimbursement, and acting in good faith provides, under the applicable license or certification, architectural, structural, electrical, mechanical or other engineering, planning, land surveying, hazardous waste site clean-up, contracting or other professional design services related to a natural disaster or catastrophe at the request of or with the approval of a public official, law enforcement official, public safety official, building inspection official or environmental official believed by the architect, contractor, environmental professional, land surveyor, landscape architect, planner or engineer to be acting in an official capacity is not liable for any personal injury, wrongful death, property damage or other loss of any nature related to the architect's, contractor's, environmental professional's, land surveyor's, landscape architect's, planner's or engineer's acts, errors or omissions in the performance of

engineering, architectural, planning, land surveying, hazardous waste site clean-up or contracting services for a site, a structure, a building, a facility, a project utility, equipment, a machine, a process, piping or some other engineered system, either publicly or privately owned.

3. Voluntary services. The immunity provided in this section applies to only voluntary architectural, structural, electrical, mechanical or other engineering, planning, land surveying, hazardous waste site clean-up, contracting or other professional design services related to a natural disaster or catastrophe that are provided during the natural disaster or catastrophe or within 90 days following the end of the natural disaster or catastrophe, unless the period of emergency is extended by an executive order issued by the President of the United States or the Governor under the President's or Governor's emergency

executive powers.

4. Reckless or intentional misconduct. Nothing in this section provides immunity for reckless or intentional misconduct.

5. State and local liability not affected. When an architect, contractor, environmental professional, land surveyor, landscape architect, planner or engineer voluntarily renders services at the request of or with the approval of a state or local official and when such services fall within the immunity of this section, the liability of the state or locality, if any, that requested the services is not affected by this section. The immunity provided in this section is in addition to immunity provided in Title 37-B, section 784-A.

# MARYLAND

## Individuals identified in the statute

Licensed architects while practicing architecture with regard to any structure or other architectural design, either publicly or privately owned, who volunteer, without compensation and are at the request of a public official, law enforcement official, public safety official, fire official, or building inspection official, acting in an official capacity.

## Type of emergency

Declared national, State, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or similar disaster or catastrophic event.

## Time restriction

While a declared state of emergency is in effect.

## Statutory language

### § 5-426 Immunity for voluntary practice of architecture at scene of emergency

#### (a) Definitions.-

(1) In this section the following words have the meanings indicated.

(2) "Building inspection official" means any appointed or elected federal, State, or local official with overall executive responsibility to coordinate building inspection in the jurisdiction in which an emergency, disaster, or catastrophic event has occurred.

(3) "Fire official" means any appointed or elected local official with overall executive responsibility to coordinate fire, rescue, or emergency medical services in the jurisdiction in which a fire, emergency, disaster, or catastrophic event has occurred.

(4) "Law enforcement official" means any appointed or elected federal, State, or local official with overall executive responsibility to coordinate law enforcement in the jurisdiction in which

an emergency, disaster, or catastrophic event has occurred.

(5) "Public official" means any federal, State, or locally elected official with overall executive responsibility in the jurisdiction in which an emergency, disaster, or catastrophic event has occurred.

(6) "Public safety official" means any appointed or elected federal, State, or local official with overall executive responsibility to coordinate public safety in the jurisdiction in which an emergency, disaster, or catastrophic event has occurred.

(b) A licensed architect is not personally liable in damages beyond the limits of any applicable insurance or self-insurance for any personal injury, wrongful death, property damage, or other loss caused by an act, error, or omission of the licensed architect while practicing architecture with regard to any structure or other architectural design, either publicly or privately owned, if:

(1) The act, error, or omission was not wanton, willful, intentionally tortious, or grossly negligent; and

(2) The practice of architecture was performed:

(i) Voluntarily and without compensation; (ii) At the scene of a declared national, State, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or similar disaster or catastrophic event; and (iii) At the request of a public official, law enforcement official, public safety official, fire official, or building inspection official, acting in an official capacity.

(c) The immunity provided by this section applies only to the voluntary practice of architecture performed while a declared state of emergency is in effect.

#### (d) Restrictions.-

(1) This section does not create, and may not be construed as creating, a new cause of action or substantive legal right against a licensed architect.

**Maryland statutory language** CONTINUED >>

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**(2)** This section does not affect, and may not be construed as affecting, any immunities from civil liability or defenses established by any other provisions of the Code or available at common law, to which a licensed architect may be entitled.

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# MASSACHUSETTS

## Individuals identified in the statute

A professional engineer, architect, environmental professional, landscape architect, planner, land surveyor or contractor who voluntarily, without compensation and acting in good faith, provides structural, electrical, mechanical, or other engineering, architectural, environmental, landscape architectural, planning, land surveying, waste site cleanup, contracting or other professional design services related to a natural disaster or catastrophe at the request of or with the approval of a national, state or local public official, law enforcement official, public safety official, building inspection official or environmental official believed by the professional engineer, architect, environmental professional, landscape architect, planner, land surveyor or contractor to be 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, architect's, environmental professional's, landscape architect's, planner's, land surveyor's or contractor's acts, errors or omissions in the performance of an engineering, architectural, environmental, landscape architectural, planning, land surveying, waste site cleanup or contracting services for a site, structure, building, facility, project utility, equipment, machine, process, piping or other engineered system or infrastructure, either publicly or privately owned. (Jan. 1, 2015).

## Type of emergency

"Natural disaster or catastrophe", an event, whether man-made or natural, that is declared an emergency by the President of the United States or by the governor, or which results in the deployment of emergency response personnel or the displacement of persons from the area of the event.

## Time restriction

N/A

## Statutory language

### M.G.L.A. 112 § 60Q

§ 60Q. Immunity from liability for professionals providing services related to natural disaster or catastrophe

(a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:--

**"Architect"**, a person duly licensed under section 60A, as an architect including any firm, partnership, corporation, association or other organization engaged in the business of providing architecture services and employing such

architect and any owner, officer, director, shareholder, partner or employee of such firm, partnership, corporation, association or other organization.

**"Building inspection official"**, an appointed or elected federal, state or local official with overall executive responsibility to coordinate building inspection in the jurisdiction in which the emergency or event has occurred.

**"Contractor"**, a person, firm, partnership, corporation, association or other organization that is engaged in the business of designing, developing,

constructing, altering, adding to or repairing new or existing structures, buildings, facilities, project utilities, equipment, machines, processes, piping or other engineered systems or infrastructure or their appurtenances; provided, that this term shall include: (i) an owner, officer, director, shareholder, partner or employee of the contractor; (ii) subcontractors and suppliers of labor and materials used by a contractor in a building, structure, facility, project utility, equipment, machine, process, piping or

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## Massachusetts statutory language CONTINUED >>

other engineered system or infrastructure;  
and

(iii) a risk retention group registered under applicable law, if any, that insures all or any part of a contractor's liability for the cost to repair a construction defect.

**"Environmental official"**, a federal, state or local official with overall responsibility for coordinating an environmental response in the jurisdiction in which the emergency or event has occurred.

**"Environmental professional"**, a person duly licensed under sections 19 to 19J, inclusive, of chapter 21A as a hazardous waste site cleanup professional, including any firm, partnership, corporation, association or other organization engaged in the business of providing hazardous waste site cleanup services and employing such licensed site professional and any owner, officer, director, shareholder, partner or employee of such firm, partnership, corporation, association or other organization.

**"Land surveyor"**, a person duly licensed under section 81D, as a professional land surveyor including any firm, partnership, corporation, association or other organization engaged in the business of providing land surveying services and employing such land surveyor and any owner, officer, director, shareholder, partner or employee of such firm, partnership, corporation, association or other organization.

**"Landscape architect"**, a person duly licensed under section 98 as a landscape architect, including any firm, partnership, corporation, association or other organization engaged in the business of providing landscape architecture services and employing such landscape architect and any owner, officer, director, shareholder, partner or employee of such firm, partnership, corporation, association or other organization.

**"Law enforcement official"**, an appointed or elected federal, state or local official with overall executive responsibility to coordinate law enforcement in the jurisdiction in which the emergency or event has occurred.

**"Natural disaster or catastrophe"**, an

event, whether man-made or natural, that is declared an emergency by the President of the United States or by the governor, or which results in the deployment of emergency response personnel or the displacement of persons from the area of the event.

**"Planner"**, a person duly certified by the American Institute of Certified Planners as a certified planner, including any firm, partnership, corporation, association or other organization engaged in the business of providing planning services and employing such planner and any owner, officer, director, shareholder, partner or employee of such firm, partnership, corporation, association or other organization.

**"Professional engineer"**, a person duly licensed under section 81D, as a professional engineer including any firm, partnership, corporation, association or other organization engaged in the business of providing engineering services and employing such professional engineer and any owner, officer, director, shareholder, partner or employee of such firm, partnership, corporation, association or other organization.

**"Public official"**, a federal, state or local appointed or elected official with overall executive responsibility in the jurisdiction in which the emergency or event has occurred.

**"Public safety official"**, an appointed or elected federal, state or local official with overall executive responsibility to coordinate public safety in the jurisdiction in which the emergency or event has occurred.

(b)(1) A professional engineer, architect, environmental professional, landscape architect, planner, land surveyor or contractor who voluntarily, without compensation and acting in good faith, provides structural, electrical, mechanical, or other engineering, architectural, environmental, landscape architectural, planning, land surveying, waste site cleanup, contracting or other professional design services related to a natural disaster or catastrophe at the request of or with the approval of a national, state

or local public official, law enforcement official, public safety official, building inspection official or environmental official believed by the professional engineer, architect, environmental professional, landscape architect, planner, land surveyor or contractor to be 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, architect's, environmental professional's, landscape architect's, planner's, land surveyor's or contractor's acts, errors or omissions in the performance of an engineering, architectural, environmental, landscape architectural, planning, land surveying, waste site cleanup or contracting services for a site, structure, building, facility, project utility, equipment, machine, process, piping or other engineered system or infrastructure, either publicly or privately owned.

(2) The immunity provided in this subsection shall apply only to the provision of voluntary engineering, architectural, environmental, landscape architectural, planning, land surveying, waste site cleanup, contracting, or other professional design services during the natural disaster or catastrophe or within 90 days of the end of the natural disaster or catastrophe, unless the period of emergency is extended by an executive order issued by the governor under the governor's emergency executive powers.

(3) Nothing in this subsection shall provide immunity for wanton, willful or intentional misconduct or gross negligence.

(4) When a professional engineer, architect, environmental professional, landscape architect, planner, land surveyor or contractor voluntarily renders services at the request of or with the approval of a state or local employee or official and where such services fall within the ambit of the immunity provided in this subsection, the liability of the state or locality, if any, which requested the services shall not be affected by the provisions of this subsection.

# MICHIGAN

## Individuals identified in the statute

The employees, agents, or representatives of this state or a political subdivision of this state and nongovernmental disaster relief force workers or private or volunteer personnel engaged in disaster relief activity.

## Type of emergency

During a state of disaster declared by the governor.

## Time restriction

N/A

## Statutory language

**30.411 Powers and duties of personnel of disaster relief forces; liability for personal injury or property damage; right to benefits or compensation; disaster relief workers; immunity; additional authority of dentists, veterinarians, nurses, or paramedics; liability and legal obligation of persons owning or controlling real estate or other premises used for shelter.**

Sec. 11.

**(1)** Personnel of disaster relief forces while on duty are subject to all of the following provisions:

**(a)** If they are an employee of this state, they have the powers, duties, rights, privileges, and immunities of and receive the compensation incidental to their employment.

**(b)** If they are employees of a political subdivision of this state, regardless of where serving, they have the powers, duties, rights, privileges, and immunities and receive the compensation incidental to their employment.

**(c)** If they are not employees of this state

or a political subdivision of this state, they are entitled to the same rights and immunities as provided by law for the employees of this state. All personnel of disaster relief forces shall, while on duty, be subject to the operational control of the authority in charge of disaster relief activities in the area in which they are serving, and shall be reimbursed for all actual and necessary travel and subsistence expenses.

**(2)** This state, any political subdivision of this state, or the employees, agents, or representatives of this state or any political subdivision of this state are not liable for personal injury or property damage sustained by any person appointed or acting as a member of disaster relief forces. This act shall not affect the right of a person to receive benefits or compensation to which he or she may otherwise be entitled to under the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941, any pension law, or any act of congress.

**(3)** This state or a political subdivision of this state engaged in disaster relief activity is not liable for the death of or injury to a person or persons, or for damage to property, as a result of that activity. The employees, agents, or representatives of this state or a political subdivision of this state and nongovernmental disaster relief force workers or private or volunteer personnel engaged in disaster relief activity are immune from tort liability to the extent provided under section 7 of 1964 PA 170, MCL 691.1407. As used in this section, "disaster relief activity" includes training for or responding to an actual, impending, mock, or practice disaster or emergency.

**(4)** A person licensed to practice medicine or osteopathic medicine and surgery, or a licensed hospital, registered nurse, practical nurse, dentist, veterinarian, or paramedical person, whether licensed in this or another state or by the federal government or a branch of the armed forces of the United States, or a student nurse undergoing training

## Michigan statutory language CONTINUED >>

in a licensed hospital in this or another state, that renders services during a state of disaster declared by the governor and at the express or implied request of a state official or agency or county or local coordinator or executive body, is considered an authorized disaster relief worker or facility and is not liable for an injury sustained by a person by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained. The immunity granted by this subsection does not apply in the event of a willful act or omission. If a civil action for malpractice is filed alleging a willful act or omission resulting in injuries, the services rendered that resulted in those injuries shall be judged according to the standards required of persons licensed in this state to perform those services.

**(5)** A licensed dentist, veterinarian, registered nurse, practical nurse, or licensed paramedical person, whether licensed in this or another state or by the federal government or a branch of the armed forces of the United States, or a

student nurse undergoing training in a licensed hospital in this or another state, during a state of disaster declared by the governor, may practice, in addition to the authority granted by other statutes of this state, the administration of anesthetics; minor surgery; intravenous, subcutaneous, or intramuscular procedure; or oral and topical medication; or a combination of these under the supervision of a member of the medical staff of a licensed hospital of this state, and may assist the staff member in other medical and surgical proceedings.

**(6)** A person owning or controlling real estate or other premises who voluntarily and without compensation grants to this state or a political subdivision of this state a license or privilege, or otherwise permits this state or a political subdivision of this state to inspect, designate, and use the whole or any part or parts of the real estate or other premises for the purpose of sheltering persons during an actual, impending, mock, or practice disaster, together with his or her successors in interest, if any,

is not civilly liable for negligently causing the death of or injury to any person on or about the real estate or premises under the license, privilege, or permission or for loss or damage to the property of the person.

**(7)** A person owning or controlling real estate or other premises who has gratuitously granted the use of the real estate or other premises for the purposes stated in this section is legally obligated to make known to the licensee any hidden dangers or safety hazards that are known to the owner or occupant of the real estate or premises that might possibly result in the death or injury or loss of property to a person using the real estate or premises.

History: 1976, Act 390, Imd. Eff. Dec. 30, 1976 ;--Am. 1990, Act 50, Imd. Eff. Apr. 6, 1990 ;--Am. 2002, Act 132, Eff. May 1, 2002 .

Admin Rule: R 30.1 et seq. of the Michigan Administrative Code.

# MINNESOTA

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There are no statutes on file for this state.

# MISSISSIPPI

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There are no statutes on file for this state.



# MISSOURI

## Individuals identified in the statute

Volunteer architects registered who volunteer the use of their services and equipment and are working under the emergency volunteer program (also includes companies with which they are employed).

## Type of emergency

In the event of a disaster.

## Time restriction

N/A

## Statutory language

### **44.023 Disaster volunteer program established, agency's duties-- expenses-- immunity from liability, exception.**

**1.** The Missouri state emergency management agency shall establish and administer an emergency volunteer program to be activated in the event of a disaster whereby volunteer architects and professional engineers registered under chapter 327, RSMo, and construction contractors, equipment dealers and other owners and operators of construction equipment may volunteer the use of their services and equipment, either manned or unmanned, for up to three days as requested and needed by the state emergency management agency.

**2.** In the event of a disaster, the enrolled volunteers shall, where needed, assist local jurisdictions and local

building inspectors to provide essential demolition, cleanup or other related services and to determine whether buildings affected by a disaster:

- (1)** Have not sustained serious damage and may be occupied;
  - (2)** Must be vacated temporarily pending repairs; or
  - (3)** Must be demolished in order to avoid hazards to occupants or other persons.
- 3.** Any person when utilized as a volunteer under the emergency volunteer program shall have his incidental expenses paid by the local jurisdiction for which the volunteer service is provided.
- 4.** Architects and professional engineers, construction contractors, equipment dealers and other owners and operators of construction equipment and the companies with which they are employed,

working under the emergency volunteer program, shall not be personally liable either jointly or separately for any act or acts committed in the performance of their official duties as emergency volunteers except in the case of willful misconduct or gross negligence.

**5.** Any individuals, employers, partnerships, corporations or proprietorships, that are working under the emergency volunteer program providing demolition, cleanup, removal or other related services, shall not be liable for any acts committed in the performance of their official duties as emergency volunteers except in the case of willful misconduct or gross negligence. (L. 1991 S.B. 265 § I, A.L. 2002 S.B. 712)

# MONTANA

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There are no statutes on file for this state.

# NEBRASKA

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There are no statutes on file for this state.

# NEVADA

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There are no statutes on file for this state.

# NEW HAMPSHIRE

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## Individuals identified in the statute

1 New Section; Liability Limited; Licensed Engineers and Architects. Amend RSA 508 by inserting after section 12-b the following new section:

508:12-c Liability Limited; Licensed Engineers and Architects.

I. Any engineer or engineering firm, architect, or architectural firm licensed pursuant to RSA 310-A who, in good faith, voluntarily and without charge or compensation, acting under the direction of the director of the division of homeland security and emergency management, the state fire marshal, or a town or city emergency management director who is managing a natural or human caused disaster or other life-threatening emergency, provides professional advice or assistance in connection such disaster or emergency, shall not be liable for any civil damages alleged to have been caused by the acts or omissions of such licensed professional or firm in providing the requested professional advice or assistance, subject to the following conditions:

- (a) The service rendered applies to the practice of engineering or architecture and concerns any building, structure, or system, whether publicly or privately owned, that is involved in or affected by the disaster or emergency;
- (b) The service rendered relates to the structural integrity of the entire building or system or any portion thereof, or to a nonstructural element of the structure or system, affecting public safety; and
- (c) The service is rendered during the time in which the emergency exists.

II. The immunity granted by this section shall not apply to acts or omissions constituting gross negligence, or wanton or willful misconduct.

2 Effective Date: This act shall take effect upon its passage.

## Type of emergency

Natural or human caused disaster or other life-threatening emergency.

## Time restriction

During emergency

## New Hampshire statutory language CONTINUED >>

### **I New Section; Liability Limited; Licensed Engineers and Architects.**

Amend RSA 508 by inserting after section 12-b the following new section: 508:12-c Liability Limited; Licensed Engineers and Architects.

**I.** Any engineer or engineering firm, architect, or architectural firm licensed pursuant to RSA 310-A who, in good faith, voluntarily and without charge or compensation, acting under the direction of the director of the division of homeland security and emergency management, the state fire marshal, or a town or city emergency management director who is managing a natural or human

caused disaster or other life-threatening emergency, provides professional advice or assistance in connection such disaster or emergency, shall not be liable for any civil damages alleged to have been caused by the acts or omissions of such licensed professional or firm in providing the requested professional advice or assistance, subject to the following conditions:

**(a)** The service rendered applies to the practice of engineering or architecture and concerns any building, structure, or system, whether publicly or privately owned, that is involved in or affected by the disaster or emergency;

**(b)** The service rendered relates to the structural integrity of the entire building or system or any portion thereof, or to a nonstructural element of the structure or system, affecting public safety; and

**(c)** The service is rendered during the time in which the emergency exists.

**II.** The immunity granted by this section shall not apply to acts or omissions constituting gross negligence, or wanton or willful misconduct.

**2 Effective Date:** This act shall take effect upon its passage.

# NEW JERSEY

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## Individuals identified in the statute

Notwithstanding any other provision of law to the contrary, an architect licensed pursuant to R.S.45:3-1 et seq. or a professional engineer licensed pursuant to P.L.1938, c.342 (C.45:8-27 et seq.) shall be considered a public employee of a public entity pursuant to.

59:1-1 et seq. and shall not be personally liable for any personal injury, wrongful death, property damage, or other loss caused by an act, error, or omission while practicing architecture or engineering, respectively, if the practice of architecture or engineering was performed:

- a) voluntarily and without compensation;
- b) at the request of a public safety official, acting in an official capacity; and at the scene of a declared national, State, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or similar disaster or catastrophic event, during or within 90 days following the emergency, or for any extended period as determined by executive order issued by the Governor under the Governor's emergency executive powers.

## Type of emergency

At the scene of a declared national, State, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or similar disaster or catastrophic event.

## Time restriction

90 days following the emergency, or for any extended period as determined by executive order issued by the Governor under the Governor's emergency executive powers.

## Statutory language

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Notes are in reference to liability statutes in this state.

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# NEW MEXICO

## Individuals identified in the statute

A person who holds a license, certificate or other permit that is issued by a state or territory of the United States and that evidences the meeting of qualifications for professional, mechanical or other skills

## Type of emergency

A disaster or emergency event for which:

- (a) a governor's state-of-emergency proclamation has been issued;
- (b) a presidential declaration of a federal major disaster or emergency has been issued; or
- (c) another authorized official of the state receives notification from a registered business of a disaster or emergency and that official designates the event as a declared state disaster or emergency

## Time restriction

Ten days prior to the first day of the governor's proclamation, the president's declaration or the designation by another authorized official of the state of a declared state disaster or emergency and that extends sixty calendar days after the declared state disaster or emergency

## Statutory language

12-10-11. Out-of-state license holders; powers; duties.

During an emergency , a person who holds a license, certificate or other permit that is issued by a state or territory of the United States and that evidences the meeting of qualifications for professional, mechanical or other skills may be credentialed, if appropriate and approved by the department of health or the homeland security and emergency management department, to render aid involving those skills to meet an emergency , subject to limitations and conditions as the governor may prescribe by executive order or otherwise. A person shall be considered a public employee for the purposes of the Tort Claims Act [41-4-1 through 41-4-27 NMSA 1978] when approved to perform those duties.

12-10-11.1. Business and employee status during disaster response period.

A. An out-of-state business that conducts operations within the state for purposes of performing disaster- or emergency-related work in response to a declared state disaster or emergency during the disaster response period shall not be considered to have established a level of presence that would require that business to be subject to any state licensing or registration requirements, including any state or local business licensing or registration requirements or public regulation commission or secretary of state licensing and regulatory requirements.

B. An out-of-state employee performing disaster- or emergency-related work during the disaster response period shall

not be subject to any state licensing or registration requirements.

C. As used in this section:

- (1) "critical infrastructure" means property, equipment and related support facilities that service multiple customers or residents, including real and personal property such as buildings, offices, lines, poles, pipes, structures and equipment that is owned or used by:
  - (a) communications networks;
  - (b) electric generation, transmission and distribution systems;
  - (c) natural gas and natural gas liquids gathering, processing, storage, transmission and distribution systems;
  - (d) crude oil and refined product pipelines; and
  - (e) water pipelines;

(2) "declared state disaster or emergency"

## New Mexico statutory language CONTINUED >>

means a disaster or emergency event for which:

- (a) a governor's state-of-emergency proclamation has been issued;
  - (b) a presidential declaration of a federal major disaster or emergency has been issued; or
  - (c) another authorized official of the state receives notification from a registered business of a disaster or emergency and that official designates the event as a declared state disaster or emergency, thereby invoking the provisions of this section;
- (3) "disaster- or emergency-related work" means repairing, renovating, installing, building, rendering services or conducting other business activities that relate to critical infrastructure that has been damaged, impaired or destroyed by a declared state disaster or emergency;
- (4) "disaster response period" means a period that begins ten days prior to the first day of the governor's proclamation, the president's declaration or the designation by another authorized official of the state of a declared state disaster or emergency and that extends sixty calendar days after the declared state

disaster or emergency;

- (5) "out-of-state business" means a business entity that, except for disaster- or emergency-related work, has no presence in the state and that conducts no business in the state and whose services are requested by a registered business or by a state or local government for purposes of performing disaster- or emergency-related work in the state. "Out-of-state business" includes a business entity that is affiliated with a registered business in the state solely through common ownership and that has no registrations or tax filings or nexus in the state other than disaster- or emergency-related work during the tax year immediately preceding the declared state disaster or emergency;
- (6) "out-of-state employee" means an employee who does not work in the state, except for disaster- or emergency-related work during the disaster response period; and
- (7) "registered business in the state" means a business entity that is currently registered to do business in the state prior to the declared state disaster or emergency.

12-10-12. Application.

The provisions of Section 12-10-11 NMSA 1978 apply to a person from any state or territory whether or not a party to the Emergency Management Assistance Compact [12-10-14 and 12-10-15 NMSA 1978].

12-10-13. In-state license holders; powers; duties.

During an emergency, a person who holds a license, certificate or other permit that is issued by the state and that evidences the meeting of qualifications for professional, mechanical or other skills may be credentialed, if appropriate and approved by the department of health or the homeland security and emergency management department, to render aid involving those skills to meet a declared emergency, and shall be considered a public employee for the purposes of the Tort Claims Act [ 41-4-1 through 41-4-27 NMSA 1978] when approved to perform those duties.

# NEW YORK

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There are no statutes on file for this state.

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# NORTH CAROLINA

## Individuals identified in the statute

A professional architect who voluntarily, without compensation, provides structural, electrical, mechanical, or other architectural services.

## Type of emergency

Declared disaster or emergency, declared under federal law or in accordance with the provisions, at the request of a public official, law enforcement official, public safety official, or building inspection official, acting in an official capacity.

## Time restriction

Within 45 days, unless extended by the Governor.

## Statutory language

### § 83A-13.1 Architect who volunteers during an emergency or disaster; qualified immunity.

(a) A professional architect who voluntarily, without compensation, provides structural, electrical, mechanical, or other architectural 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 architect's acts or omissions in the performance of the architectural services.

(b) The immunity provided in subsection (a) of this section applies only to an

architectural service:

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

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

(c) The immunity provided in subsection (a) of this section does not apply if it is determined that the personal injury, wrongful death, property damage, or other loss was caused by the gross negligence, wanton conduct, or intentional wrongdoing of the professional architect or arose out of the operation of a motor vehicle.

(d) As used in this section:

(1) "Building inspection official" means any appointed or elected federal, State, or local official with overall executive responsibility to coordinate building

inspection in the jurisdiction in which the emergency or disaster is declared.

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

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

(4) "Public safety official" means any appointed or elected federal, State, or local official with overall executive responsibility to coordinate public safety in the jurisdiction in which the emergency or disaster is declared. (1995, c. 416, s. 2.)

# NORTH DAKOTA

## Individuals identified in the statute

An architect who voluntarily provides architectural or structural, electrical, mechanical, or other engineering services.

## Type of emergency

Declared national, state, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or other similar disaster or catastrophic event at the request of a national, state, or local public official, law enforcement official, public safety official, or building inspection official acting in an official capacity.

## Time restriction

Within 90 days, unless extended by the Governor.

## Statutory language

### 32-03-47 Definitions – Voluntary engineering services – Immunity.

1. As used in this section:

- a. “Architect” means a person registered under chapter 43-03 as an architect.
- b. “Building inspection official” means any appointed or elected federal, state, or local official with overall executive responsibility to coordinate building inspection in the jurisdiction in which the emergency or event has occurred.
- c. “Law enforcement official” means any appointed or elected federal, state, or local official with overall executive responsibility to coordinate law enforcement in the jurisdiction in which the emergency or event has occurred.
- d. “Professional engineer” means a person licensed under chapter 43-19.1 as a professional engineer.
- e. “Public official” means any federal, state, or locally elected official with

overall executive responsibility in the jurisdiction in which the emergency or event has occurred.

f. “Public safety official” means any appointed or elected federal, state, or local official with overall executive responsibility to coordinate public safety in the jurisdiction in which the emergency or event has occurred.

2. An architect or a professional engineer who voluntarily, without compensation, provides architectural or structural, electrical, mechanical, or other engineering services at the scene of a declared national, state, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or other similar disaster or catastrophic event at the request of a national, state, or local public official, law enforcement official, public safety official, or building inspection

official acting in an official capacity, is not liable for any personal injury, wrongful death, property damage, or other loss caused by the architect’s or professional engineer’s acts, errors, or omissions in the performance of any engineering services for any structure, building, piping, or other engineered system, either publicly or privately owned.

3. The immunity provided in this section applies only to a voluntary engineering service that occurs within ninety days of the emergency, disaster, or catastrophic event, unless extended by the governor under chapter 37-17.1.

4. Nothing in this section provides immunity for wanton, willful, or intentional misconduct.

# OHIO

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## Individuals identified in the statute

Architects, contractors, engineers, surveyors, and tradespersons providing volunteer services during a declared emergency.

## Type of emergency

A declared emergency.

## Time restriction

Within 90 days after the end of the period of the declared emergency or within 90 days after the end of the extended period of emergency if extended by the governor.

## Statutory language

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**To enact section 2305.2310** of the Revised Code to provide civil immunity for architects, contractors, engineers, surveyors, and tradespersons providing volunteer services during a declared emergency.

Be it enacted by the General Assembly of the State of Ohio: SECTION 1. That section 2305.2310 of the Revised Code be enacted to read as follows:

**Sec. 2305.2310.** (A) A volunteer who is an architect, contractor, engineer, surveyor, or tradesperson shall not be liable in damages in a civil action for

any injury, loss to person or property, or wrongful death related to the volunteer's acts, errors, or omissions in the performance of any professional services or construction services for any structure, building, piping, or other engineered system, either publicly or privately owned. (B)(1) The immunity provided in this section shall only apply to professional services or construction services provided during a declared emergency and to professional services or construction services provided not more than ninety days after the end of the period of the

declared emergency. (2) If the governor, under the governor's emergency executive powers, extends the period of declared emergency, the immunity provided under this section shall apply to services provided not more than ninety days after the end of the extended period of emergency. (C) Nothing in this section shall provide immunity for wanton, willful, or intentional misconduct.

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# OKLAHOMA

## Individuals identified in the statute

A licensed architect or professional engineer who voluntarily, without compensation other than expense reimbursement, provides architectural, structural, electrical, mechanical or other design professional services related to a declared national, state or local emergency caused by a natural disaster or catastrophic event, at the request of or with the approval of a national, state or local public official, law enforcement official, public safety official or building inspection official believed by the licensed architect or professional engineer to be acting in an official capacity, shall not be liable for any personal injury, wrongful death, property damage or other loss of any nature related to the licensed architect's or professional engineer's acts or omissions in the performance of such professional services for any publicly or privately owned structure, building, facility, project utility, equipment, machine, process, piping or other system. Nothing in this section shall provide immunity for injury or damage resulting from gross negligence or willful or wanton misconduct in rendering the emergency professional services.

## Type of emergency

A declared national, state or local emergency caused by a natural disaster or catastrophic event, at the request of or with the approval of a national, state or local public official, law enforcement official, public safety official or building inspection official believed by the licensed architect or professional engineer to be acting in an official capacity.

## Time restriction

The immunity provided in this section shall apply only to a voluntary architectural or engineering service that occurs during the emergency or within ninety (90) days following the end of the period for an emergency, disaster or catastrophic event, unless extended by an executive order issued by the Governor under the Governor's emergency.

## Statutory language

### 76 Okl.St.Ann. § 5.8

#### § 5.8. Voluntary architectural or engineering services following declared national, state or local emergency--Immunity from liability

**A.** A licensed architect or professional engineer who voluntarily, without compensation other than expense reimbursement, provides architectural, structural, electrical, mechanical or other design professional services related to a declared national, state or local emergency caused by a natural disaster or catastrophic event, at the request of

or with the approval of a national, state or local public official, law enforcement official, public safety official or building inspection official believed by the licensed architect or professional engineer to be acting in an official capacity, shall not be liable for any personal injury, wrongful death, property damage or other loss of any nature related to the licensed architect's or professional engineer's acts or omissions in the performance of such professional services for any publicly or privately owned structure, building,

facility, project utility, equipment, machine, process, piping or other system. Nothing in this section shall provide immunity for injury or damage resulting from gross negligence or willful or wanton misconduct in rendering the emergency professional services. The immunity provided in this section shall apply only to a voluntary architectural or engineering service that occurs during the emergency or within ninety (90) days following the end of the period for an emergency, disaster or catastrophic event, unless extended by an executive order issued

**Oklahoma statutory language** CONTINUED >>

by the Governor under the Governor's emergency executive powers.

**B.** In the event a natural disaster or catastrophic event described pursuant to subsection A of this section occurs, and the services of licensed architects or professional engineers who provide architectural, structural, electrical, mechanical or other design professional services are required, but the number of professional persons licensed or registered in this state is insufficient for such purpose, any person licensed or registered in another state to practice such profession and who is a member of a mobile support team or unit of the licensing state, may inspect and placard structures for safety and habitability in

this state upon request by the Governor of this state and order of the Governor of the person's home state without being licensed or registered in this state. Out-of-state licensed architects or professional engineers who inspect and placard structures for safety and habitability under these conditions shall not be liable for any personal injury, wrongful death, property damage or other loss related to the licensed architect's or professional engineer's acts or omissions in the performance of such emergency professional services for any publicly or privately owned structure, building, facility, project utility, equipment, machine, process, piping or other system. Nothing in this section shall provide immunity for injury or damage

resulting from gross negligence or willful or wanton misconduct in rendering the emergency professional services. The immunity provided in this section shall apply only to a voluntary architectural or engineering service of inspecting and placarding structures for safety and habitability that occurs during the emergency or within ninety (90) days following the end of the period for an emergency, disaster or catastrophic event, unless extended by an executive order issued by the Governor of this state under the Governor's emergency executive powers.

# OREGON

## Individuals identified in the statute

An architect for services rendered by the architect.

## Type of emergency

Declared state of emergency.

## Time restriction

Within 60 days

## Statutory language

### 30.788 Liability of architect, engineer, inspector or building evaluator for emergency relief services.

**(1)** An action for damages arising out of the practice of architecture, as defined in ORS 671.010, may not be maintained by any person against an architect for services rendered by the architect under the provisions of this section.

**(2)** An action for damages arising out of the practice of engineering, as described in ORS 672.007, may not be maintained by any person against an engineer for structural engineering services rendered by the engineer under the provisions of this section.

**(3)** An action for damages arising out of the provision of building code inspections, plan reviews or post-disaster building evaluations may not be maintained by any person against a certified inspector or certified building

evaluator if the inspector or building evaluator is providing building code inspections, plan reviews or post-disaster building evaluations under the provisions of this section and the inspector or building evaluator is operating within the scope of the certification.

**(4)** The immunity provided by this section applies only to services that meet all of the following requirements:

**(a)** The services are rendered without compensation.

**(b)** The services are rendered within 60 days after the Governor declares a state of emergency under the provisions of ORS 401.055.

**(c)** The services are rendered to assist in relief efforts arising out of the emergency giving rise to the declaration of emergency.

**(5)** This section does not affect the

liability of any architect, engineer, inspector or building evaluator for gross negligence or intentional torts.

**(6)** The immunity provided by this section applies only to:

**(a)** Inspectors certified under ORS 455.715 to 455.740;

**(b)** Building evaluators certified for post-disaster building evaluation by the Department of Consumer and Business Services;

**(c)** Architects who are licensed under ORS 671.010 to 671.220;

**(d)** Engineers who are licensed under ORS 672.002 to 672.325; and

**(e)** Architects and engineers who are licensed under the laws of another state. [1995 c.616 s.1]

# PENNSYLVANIA

## Individuals identified in the statute

A design professional (including architects and landscape architects) who, without compensation and as a volunteer, provides professional services at the request of or with approval of a Federal, State or local public official, law enforcement official, public safety official or building inspection official.

## Type of emergency

A declared national, State or local emergency caused by a major earthquake, hurricane, tornado, explosion, collapse or other similar disaster or catastrophic event.

## Time restriction

N/A

## Statutory language

### Section 8332.4 Volunteer-in-public-service negligence standard.

**(a)** – General rule. -- Services covered.

**(1)** Except as provided otherwise in this section, no person who, without compensation and as a volunteer, renders public services for a nonprofit organization under section 501(c)(3) or (4), (4) or (6) of the Internal Revenue Code of 1986 (68A Stat. 3, 26 U.S.C. Section 501(c)(3) or (4), (4) or (6)) or for a Commonwealth or local government agency conducting or sponsoring a public service program or project shall be liable to any person for any civil damages as a result of any acts or omissions in rendering such services unless the conduct of such person falls substantially below the standards generally practiced and accepted in like circumstances by similar persons rendering such services and unless it is shown that such person did an act or omitted the doing of an act which such person was under a recognized duty to another to do, knowing or having reason

to know that such act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of such person fell below ordinary standards of care.

**(2)** Except as provided otherwise in this section, no design professional who, without compensation and as a volunteer, provides PROFESSIONAL services related to a declared national, State or local emergency caused by a major earthquake, hurricane, tornado, explosion, collapse or other similar disaster or catastrophic event at the request of or with the approval of a Federal, State or local public official, law enforcement official, public safety official or building inspection official acting in an official capacity shall be liable to any person for any civil damages as a result of any acts or omissions in rendering such services unless the conduct of such design professional falls substantially below the standards generally practiced and accepted in like circumstances by similar

persons rendering such PROFESSIONAL services and unless it is shown that such design professional did an act or omitted the doing of an act which such design professional was under a recognized duty to another to do, knowing or having reason to know that such act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of such design professional fell below ordinary standards of care.

**(b) EXCEPTIONS.--**

**(1)** Nothing in this section shall be construed as affecting or modifying the liability of such person for acts or omissions relating to the transportation of participants in a public service program or project or others to or from a public service program or project.

**(2)** Nothing in this section shall be construed as affecting or modifying any existing legal basis for determining the liability, or any defense thereto, of any person not covered by the standard of

**Pennsylvania statutory language** CONTINUED >>

negligence established by this section.

**(c) ASSUMPTION OF RISK OR CONTRIBUTORY FAULT.**-- Nothing in this section shall be construed as affecting or modifying the doctrine of assumption of risk or contributory fault on the part of the participant.

**(d) CONSTRUCTION.**-- The negligence standard created by this section shall not be deemed to abrogate or lessen any immunity or other protection against liability granted by statute or court

decision.

**(e) DEFINITIONS.**-- As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Compensation." The term shall not include reimbursement for reasonable expenses actually incurred or to be incurred.

"Design professional." An individual licensed by the Commonwealth of Pennsylvania as an architect, geologist,

land surveyor, landscape architect or professional engineer.

"Public service program or project."

An organized program, or other public service ordinarily conducted or rendered by volunteers.

HISTORY: Act 2001-81 (H.B. 910), § 1, approved Oct. 30, 2001, eff. in 60 days.



# PUERTO RICO

## Individuals identified in the statute

Architects, engineers, land surveyors or construction personnel acting voluntarily.

## Type of emergency

A disaster emergency declared by the Governor of the Commonwealth of Puerto Rico.

## Time restriction

Unspecified

## Statutory language

**Chapter 52. Good Samaritan Law for Collaborators in a Construction Affected by a Natural Disaster**  
**Title 17 Housing**  
**Chapter 52: Good Samaritan Law for Collaborators in a Construction Affected by a Natural Disaster**

### 17 L.P.R.A. § 1531 § 1531 Definitions

The following terms shall have the meaning stated herein below:

- (a)** Architect. Shall mean that person who is licensed, as provided in §§ 711 et seq. of Title 20, known as the 'Board of Examiners of Engineers, Architects, Surveyors and Landscape Architects of Puerto Rico Act'.
- (b)** Engineer. Shall mean that person who is licensed, as provided in §§ 711 et seq. of Title 20, known as the 'Board of Examiners of Engineers, Architects, Surveyors and Landscape Architects of Puerto Rico Act'.
- (c)** Land surveyor. Shall mean a person

who is licensed, as provided in §§ 711 et seq. of Title 20, known as the 'Board of Examiners of Engineers, Architects, Surveyors and Landscape Architects of Puerto Rico Act'.

**(d)** State of emergency. Shall mean those cases in which the Governor of the Commonwealth of Puerto Rico declares a state of emergency caused by a hurricane, earthquake, tornado, fire, explosion, landslide, flooding or other natural or catastrophic disaster.

### 17 L.P.R.A. § 1532 § 1532 Release from liability

Every architect, engineer, land surveyor, or construction personnel under his/her supervision, who voluntarily without any compensation and by petition or with the approval of an officer or a federal or state employee, a member of the Puerto Rico or Municipal Police or a housing inspector of the Commonwealth of Puerto Rico, acting

in his/her official capacity who renders services or architectural, structural, electrical or mechanical inspections or other engineering, architectural, or land surveying service when a state of emergency has been declared by the Governor of the Commonwealth of Puerto Rico, shall not be liable for any type of bodily injury, death or property damage or any other loss related to his/her acts, errors or omissions caused in the performance of his/her functions.

### 17 L.P.R.A. § 1533 § 1533 Applicability

This exoneration from responsibility shall only be applicable when the architects, engineers or land surveyors act free of charge and voluntarily without having any legal or contractual relation whatsoever, and when they have not acted with gross negligence nor have had the purpose of causing any harm.

# RHODE ISLAND

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## Individuals identified in the statute

An architect or architectural firm, duly licensed to practice in Rhode Island, who voluntarily and without compensation provides architectural services at the scene of a disaster emergency.

## Type of emergency

A disaster emergency declared by executive order or proclamation of the Governor.

## Time restriction

During the time in which a state of disaster emergency exists.

## Statutory language

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### § 5-1-16 Architects rendering assistance during disaster emergency – Immunity from civil liability.

(a) An architect or architectural firm, duly licensed to practice in Rhode Island under this chapter, who voluntarily and without compensation provides architectural services at the scene of a disaster emergency is not liable for any personal injury, wrongful death, property damage, or other loss or damages caused by an act or omission of the architect or architectural firm in performing the services.

(b) As used in this section, “disaster

emergency” means a disaster emergency declared by executive order or proclamation of the governor pursuant to chapter 15 of title 30.

(c) The immunity provided in subsection (a) of this section applies only to the practice of architecture as defined in this chapter regarding an architectural service that:

(1) Concerns any building, structure, or system, whether publicly or privately owned that is identified pursuant to a disaster emergency executive order or proclamation;

(2) Relates to the structural integrity of

the entire building, structure, or system or any portion of the structure or system, or to a nonstructural element of the structure or system, affecting public safety; and

(3) Is rendered during the time in which a state of disaster emergency exists, as provided in chapter 15 of title 30.

(d) The immunity granted by this section shall not apply to acts or omissions constituting gross negligence or willful misconduct.

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# SOUTH CAROLINA

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## Individuals identified in the statute

A licensed architect under the provisions of this chapter is immune from liability for volunteer architectural services provided during an emergency in the same manner as a licensed engineer is immune for volunteer engineering services as provided in Section 40-22-295. This section does not provide immunity from liability for persons merely registered in this State pursuant to Section 40-3-260 scene of a disaster emergency.

## Type of emergency

A declared national or state emergency, at the request of the Governor.

## Time restriction

Services rendered during the thirty days following the event that gave rise to the declared state of emergency.

## Statutory language

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### **SECTION 40-22-295. Engineer immunity.**

**(A)** A licensed engineer who voluntarily, without compensation, provides structural, electrical, mechanical, or other engineering services at the scene of a declared national or state emergency, at the request of the Governor, is not liable for any personal injury, wrongful death, property damage, or other loss caused by the licensed engineer's acts, errors, or omissions in performing the engineering services for a structure, building, piping, or other engineered system, either publicly or privately owned. Immunity from liability under this section is only effective as to services rendered during the thirty days following the event that gave rise to the declared state of emergency.

**(B)(1)** Any licensed engineer appointed pursuant to this section must not be held liable for any civil damages as a result of the providing of requested engineering services unless the damages result from providing, or failing to provide engineering services if the consequences of the services provided are proven by a preponderance of the evidence to be the result of gross negligence or recklessness.

**(2)** This section applies if the engineer does not receive payment other than as allowed in Section 8-25-40 for the appointed services and prescribed duties. However, if the engineer is an employee of the State, the engineer may continue to receive compensation from his employer.

**(C)** This section does not provide immunity from liability to persons

providing services pursuant to Section 40-22-75.

### **SECTION 40-3-325. Architect immunity.**

A licensed architect under the provisions of this chapter is immune from liability for volunteer architectural services provided during an emergency in the same manner as a licensed engineer is immune for volunteer engineering services as provided in Section 40-22-295. This section does not provide immunity from liability for persons merely registered in this State pursuant to Section 40-3-260

HISTORY: 2012 Act No. 280, Section 3, eff June 26, 2012.

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# SOUTH DAKOTA

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## Individuals identified in the statute

Architects and engineers providing architectural, structural, electrical, mechanical, or other professional design service voluntarily or without compensation.

## Type of emergency

A declared national, state, or local emergency caused by a tornado, fire, explosion, collapse or other similar disaster or catastrophic event.

## Time restriction

Ninety days following the end of the declared emergency, disaster, or catastrophic event unless extended by executive order of the Governor.

## Statutory language

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### **SDCL § 36-18A-76. 36-18A-76.**

#### **Limitation on liability of architects and engineers related to services provided upon request of official following disaster or catastrophic event**

No architect or engineer may be held liable for personal injury, wrongful death, property damage, or other loss related to any architectural, structural, electrical, mechanical, or other professional

design service provided by the architect or engineer, voluntarily or without compensation, at the request or approval of a national, state, or local public official in response to a declared national, state, or local emergency caused by a tornado, fire, explosion, collapse or other similar disaster or catastrophic event. This section applies to services rendered within ninety days following the end of the declared emergency, disaster, or

catastrophic event unless extended by executive order of the Governor. Limited liability under this section does not apply if the injury, death, or damage is the result of gross negligence or willful or wanton misconduct. For the purposes of this section compensation does not include reimbursement for expenses. Source: SL 2017, ch 177, § 1.

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# TENNESSEE

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## Individuals identified in the statute

An architect or engineer who voluntarily, without compensation or expectation of compensation, provides structural or building systems inspection services.

## Type of emergency

Declared national, state or local emergency.

## Time restriction

Within 90 Days

## Statutory language

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**62-2-109. Voluntary inspection services by architects or engineers at scene of a natural or man-made emergency -- Limitation of liability -- Applicability and scope of limitation.**

(a) An architect or engineer who voluntarily, without compensation or expectation of compensation, provides structural or building systems inspection services at the scene of a declared national, state or local natural or man-made emergency at the request of a public safety officer or city or county building inspector acting in an official capacity shall not be liable in negligence

for any personal injury or property damage caused by the architect's or engineer's good faith, but negligent, inspection of a structure used for human habitation or a structure owned by a public entity, for structural integrity or nonstructural elements affecting life and safety. The immunity provided by this section shall apply only for an inspection that occurs within ninety (90) days of the declared national, state or local natural or man-made emergency.

(b) Nothing in this section shall be construed to provide immunity for gross negligence or willful misconduct.

(c) As used in this section, "public safety

officer" means:

- (1) The chief law enforcement officer in a county or city;
  - (2) A law enforcement officer acting at the specific direction of the chief law enforcement officer; or
  - (3) The director or the director's assistants of the emergency management agency designated in accordance with § 58-2-104.
  - (d) Nothing in this section shall be construed as extending immunity to a city or county for whom inspection services are provided as described in this section.
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# TEXAS

## Individuals identified in the statute

A licensed or registered professional who provides architectural or engineering services voluntarily and without compensation or the expectation of compensation.

## Type of emergency

Proclaimed state of emergency or a declared state of disaster.

## Time restriction

N/A

## Statutory language

### Sec. 150.003. LIABILITY FOR SERVICES RENDERED DURING DISASTER.

(a) This section applies only to a licensed or registered professional who provides architectural or engineering services if the services:

- (1) are authorized, as appropriate for the professional, in:
  - (A) Chapter 1001, Occupations Code;
  - (B) Chapter 1051, Occupations Code;
  - (C) 22 T.A.C. Part 6 (Texas Board of Professional Engineers), Chapter 137 (Compliance and Professionalism); and
  - (D) 22 T.A.C. Part 1 (Texas Board of Architectural Examiners), Chapter 1 (Architects), Subchapter H (Professional Conduct);
- (2) subject to Subsection (d), are provided voluntarily and without compensation or the expectation of compensation;
- (3) are in response to and provided

during the duration of a proclaimed state of emergency under Section 433.001, Government Code, or a declared state of disaster under Section 418.014, Government Code;

- (4) are provided at the request or with the approval of a federal, state, or local public official acting in an official capacity in response to the proclaimed state of emergency or declared disaster, including a law enforcement official, public safety official, or building inspection official; and
- (5) are related to a structure, building, roadway, piping, or other system, either publicly or privately owned.

(b) A licensed or registered professional who provides the services to which this section applies is not liable for civil damages, including personal injury, wrongful death, property damage, or other loss related to the professional's act, error, or omission in the performance of the services, unless the act, error, or

omission constitutes:

- (1) gross negligence; or
- (2) wanton, wilful, or intentional misconduct.

(c) This section does not apply to a licensed or registered professional who is at the scene of the emergency to solicit business or perform a service for compensation on behalf of the professional or a person for whom the professional is an agent.

(d) The entitlement of a licensed or registered professional to receive compensation for services to which this section applies does not determine whether the services provided by the professional were provided voluntarily and without compensation or the expectation of compensation. Added by Acts 2007, 80th Leg., R.S., Ch. 132, Sec. 1, eff. May 18, 2007.

# UTAH

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## Individuals identified in the statute

A licensed architect who provides structural inspection services at the request of a public safety officer or city or county building inspector acting in an official capacity.

## Type of emergency

A declared national, state, or local emergency caused by a major earthquake.

## Time restriction

Within 30 days

## Statutory language

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### **78-27-60 . Limited immunity for architects and engineers inspecting earthquake damage.**

**(1)** A professional engineer licensed under Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, or an architect licensed under Title 58, Chapter 3a, Architects Licensing Act, who provides structural inspection services at the scene of a declared national, state, or local emergency caused

by a major earthquake is not liable for any personal injury, wrongful death, or property damage caused by the good faith inspection for structural integrity or nonstructural elements affecting health and safety of a structure used for human habitation or owned by a public entity if the inspection is performed:

- (a)** voluntarily, without compensation or the expectation of compensation;
- (b)** at the request of a public official or

city or county building inspector acting in an official capacity; and

**(c)** within 30 days of the earthquake.

**(2)** The immunity provided for in Subsection (1) does not apply to gross negligence or willful misconduct. Amended by Chapter 10, 1997 General Session

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# VERMONT

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There are no statutes on file for this state.

# VIRGINIA

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## Individuals identified in the statute

A licensed architect who, in good faith and without charge or compensation, utilizes his professional skills in providing rescue or relief assistance.

## Type of emergency

A natural or manmade disaster or other life-threatening emergency.

## Time restriction

N/A

## Statutory language

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**§ 8.01-226.2 Civil immunity for licensed professional engineers and licensed architects participating in rescue or relief assistance**

Any licensed professional engineer or licensed architect who, in good faith and without charge or compensation, utilizes

his professional skills in providing rescue or relief assistance at the scene of or in connection with a natural or manmade disaster or other life-threatening emergency, shall not be liable for any civil damages for acts or omissions on his part resulting from the rendering of such

assistance or professional services in the absence of gross negligence or willful misconduct.

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# WASHINGTON

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## Individuals identified in the statute

An architect or engineer serving as a volunteer emergency worker for an approved organization for emergency management.

## Type of emergency

N/A

## Time restriction

N/A

## Statutory language

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### **RCW 38.52.195 Exemption from liability while providing construction, equipment or work.**

Notwithstanding any other provision of law, no person, firm, corporation, or other entity acting under the direction or control of the proper authority to provide construction, equipment, or work as provided for in RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390 while complying with or attempting to comply with RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390 or any rule or regulation promulgated pursuant to the

provisions of RCW 38.52.110, 38.52.180, 38.52.195, 38.52.205, 38.52.207, 38.52.220 and 38.52.390 shall be liable for the death of or any injury to persons or damage to property as a result of any such activity: PROVIDED, That said exemption shall only apply where all of the following conditions occur:

- (1)** Where, at the time of the incident the worker is performing services as an emergency worker, and is acting within the course of his duties as an emergency worker;
- (2)** Where, at the time of the injury, loss, or damage, the organization for emergency management which the

worker is assisting is an approved organization for emergency management;

**(3)** Where the injury, loss, or damage is proximately caused by his service either with or without negligence as an emergency worker;

**(4)** Where the injury, loss, or damage is not caused by the intoxication of the worker; and

**(5)** Where the injury, loss, or damage is not due to willful misconduct or gross negligence on the part of a worker.

[1984 c 38 § 19; 1974 ex.s. c 171 § 22; 1971 ex.s. c 8 § 7.]

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# WASHINGTON, DC

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There are no statutes on file for this state.

# WEST VIRGINIA

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There are no statutes on file for this state.

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# WISCONSIN

## Individuals identified in the statute

Any “person” who provides equipment, materials, facilities, labor, or services from liability for the death of, or injury to, any person or damage to any property caused by his or her actions if the person did so under direction of specified governmental authorities and in response to enemy action, a disaster, a federally declared state of emergency or during a state of emergency declared by the governor.

The law does not define “person.” However, on at least two occasions, bills were introduced to revise this law so that it would apply to “construction” or “contractors,” and both times the proposals were amended to remove language specific to construction activities and contractors, thus keeping the application of the exemption much broader. This suggests that the legislature wanted to include under the law as many types of persons providing assistance in emergencies as possible, and architects who provide services would appear to be eligible for the liability exemption.

## Type of emergency

Enemy action, a disaster, a federally declared state of emergency or during a state of emergency declared by the governor.

## Time restriction

N/A

## Statutory language

### Wis. Stat. s. 323.45

**(1)** Except as provided in subs. (2) and (4), no person who provides equipment, materials, facilities, labor, or services is liable for the death of or injury to any person or damage to any property caused by his or her actions if the person did so under all of the following conditions:

**(a)** Under the direction of the governor, the adjutant general, the governing body, chief or acting chief executive officer, or head of emergency management services of any local unit of government or federally recognized American Indian tribe or band in this state, the department

of health services if that department is designated by the governor under s. 323.10, or the local health department acting under s. 251.05 (3) (e).

**(b)** In response to enemy action, a disaster, or a federally declared state of emergency or during a state of emergency declared by the governor.

**(2)** This section does not apply if the person's act or omission involved reckless, wanton, or intentional misconduct.

**(3)** This section does not affect the right of any person to receive benefits to which he or she otherwise would be entitled

under the worker's compensation law or under any pension law, nor does it affect entitlement to any other benefits or compensation authorized by state or federal law.

### **(4)**

**(a)** This section does not apply to a person's provision of services if s. 257.03 or 323.41 applies.

**(b)** This section does not apply to a person's provision of facilities if s. 257.04 or 323.44 applies.

**History:** 2009 a. 42 ss. 117, 310; Stats. 2009 s. 323.45.

# WYOMING

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There are no statutes on file for this state.