

An Act

ENROLLED SENATE
BILL NO. 294

By: Coates of the Senate

and

Jordan of the House

An Act relating to voluntary emergency services; amending 76 O.S. 2011, Section 5.8, which relates to immunity from liability for voluntary emergency architectural or engineering services; authorizing certain licensed professionals to inspect and placard structures for safety and habitability under certain circumstances; limiting liability for certain professional services; providing exception; imposing time limitation on immunity; and providing an effective date.

SUBJECT: Volunteer emergency services

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 76 O.S. 2011, Section 5.8, is amended to read as follows:

Section 5.8 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 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.

C. For the purposes of this section:

1. "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 the emergency or event has occurred;

2. "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 the emergency or event has occurred;

3. "Licensed architect" means a person duly licensed pursuant to Section 46.1 et seq. of Title 59 of the Oklahoma Statutes;

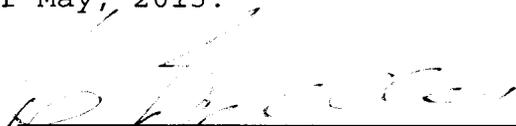
4. "Professional engineer" means a person duly licensed and registered pursuant to Section 475.1 et seq. of Title 59 of the Oklahoma Statutes;

5. "Public official" means any elected federal, state or local official with executive responsibility in the jurisdiction in which the emergency or event has occurred; and

6. "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 the emergency or event has occurred.

SECTION 2. This act shall become effective November 1, 2013.

Passed the Senate the 8th day of May, 2013.


Presiding Officer of the Senate

Passed the House of Representatives the 17th day of April, 2013.


Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 9th

day of May, 20 13, at 10:36 o'clock A M.

By: Audrey Reedwell

Approved by the Governor of the State of Oklahoma this 14th

day of May, 20 13, at 2:44 o'clock P M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 14th

day of May, 20 13, at 4:02 o'clock P. M.

By: Chris Morris