

GOOD SAMARITAN ACT FOR ENGINEERS

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael G. Waddoups

House Sponsor: Paul A. Neuenschwander

LONG TITLE

General Description:

This bill provides immunity for professional architectural and engineering services voluntarily provided during a declared state of emergency.

Highlighted Provisions:

This bill:

► provides immunity from liability for professional architectural and engineering services produced:

- for a public official on a non-paid, voluntary basis; and
- during a declared state of emergency.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

78-11-22.3, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78-11-22.3** is enacted to read:

78-11-22.3. Definitions.



28 (1) As used in this Section:

29 (a) "Architect" means a person licensed in accordance with Title 58, Chapter 3a,
30 Architects Licensing Act.

31 (b) "Declared state of emergency" means a state of emergency declared by the governor
32 of this state or by the chief executive officer of a political subdivision, in accordance with Title
33 63, Chapter 5a, Disaster Response and Recovery.

34 (c) "Professional engineer" means a person licensed in accordance with Title 58,
35 Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act.

36 (d) "Public official" means an appointed or elected federal, state, or local official ~~§~~ **→ [with**
37 **authority in the jurisdiction in which an emergency has been declared, including building**
38 **inspectors and police and fire chiefs] , including building inspectors and police and fire chiefs,**
38a **acting within the scope and jurisdiction of their authority during a declared emergency** ~~←§~~ .

39 (2) An architect or professional engineer, acting ~~§~~ **→ in good faith and** ~~←§~~ within the
39a scope of their respective
40 licenses, is not liable for:

41 (a) any acts, errors, or omissions; or

42 (b) personal injury, wrongful death, property damage, or any other loss arising from
43 architectural or engineering services provided by the architect or engineer:

44 (i) as a non-paid volunteer at the request of a public official; and

45 (ii) during, or for 90 days following, a declared state of emergency.

46 (3) Nothing in Subsection (2) shall be construed to provide immunity to an architect or
47 engineer for architectural or engineering services that are ~~§~~ **→ [below the acceptable standards of the**
48 **profession or]** ~~←§~~ not within the scope of licensure.

Legislative Review Note
as of 2-7-08 9:24 AM

Office of Legislative Research and General Counsel

S.B. 256 - Good Samaritan Act for Engineers

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
