

1 **GOOD SAMARITAN ACT FOR ENGINEERS**

2 2008 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael G. Waddoups**

5 House Sponsor: Paul A. Neuenschwander

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**LONG TITLE**

7 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

12 ▶ provides immunity from liability for professional architectural and engineering  
13 services produced:

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

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 ENACTS:

22 **78-11-22.3**, Utah Code Annotated 1953

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

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

25 **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.

39 (2) An architect or professional engineer, acting within the 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.

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

**Office of Legislative Research and General Counsel**

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**S.B. 256 - Good Samaritan Act for Engineers**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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