

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 119*

Short Title: Immunity for Vol. Engineers.

(Public)

Sponsors: Senators Winner; Gulley, Cooper, Carpenter, Odom, and Hobbs.

Referred to: Judiciary I/Constitution.

February 1, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE QUALIFIED IMMUNITY TO PROFESSIONAL ENGINEERS
WHO VOLUNTARILY PROVIDE ENGINEERING SERVICES DURING AN
EMERGENCY WITHOUT COMPENSATION.

The General Assembly of North Carolina enacts:

Section 1. Chapter 89C of the General Statutes is amended by adding a new section to read:

"§ 89C-19.1. Engineer who volunteers during an emergency; qualified immunity.

(a) A professional engineer who voluntarily, without compensation, provides structural, electrical, mechanical, or other engineering services at the scene of a declared emergency, whether national, State, or local, arising from a major earthquake, hurricane, tornado, fire, explosion, collapse, or other similar disaster or catastrophic event, 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 engineer's acts or omissions in the performance of the engineering services.

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

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

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

5 (c) The immunity provided in subsection (a) of this section does not apply if it
6 is determined that the personal injury, wrongful death, property damage, or other loss was
7 caused by the gross negligence, wanton conduct, or intentional wrongdoing of the
8 professional engineer, or while the professional engineer was operating or responsible for
9 the operation of a motor vehicle.

10 (d) As used in this section:

11 (1) 'Building inspection official' means any appointed or elected federal,
12 State, or local official with overall executive responsibility to coordinate
13 building inspection in the jurisdiction in which the emergency, disaster,
14 or catastrophic event has occurred.

15 (2) 'Law enforcement official' means any appointed or elected federal,
16 State, or local official with overall executive responsibility to coordinate
17 law enforcement in the jurisdiction in which the emergency, disaster, or
18 catastrophic event has occurred.

19 (3) 'Public official' means any federal, State, or locally elected official with
20 overall executive responsibility in the jurisdiction in which the
21 emergency, disaster, or catastrophic event has occurred.

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

26 Sec. 2. This act is effective upon ratification and applies to any cause of action
27 that arises on or after that date.