

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 394

Short Title: Immunity For Volunteer Engineers.

(Public)

Sponsors: Representatives Gottovi; Bowman, J. Brown, Colton, Crawford, Easterling, Ellis, Gardner, Ives, Justus, Mitchell, Luebke, Nichols, J. Preston, Sutton, C. Wilson, and Wright.

Referred to: Judiciary II.

March 8, 1993

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE QUALIFIED IMMUNITY TO PROFESSIONAL
3 ENGINEERS WHO VOLUNTARILY, WITHOUT COMPENSATION, PROVIDE
4 ENGINEERING SERVICES DURING AN EMERGENCY.

5 The General Assembly of North Carolina enacts:

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

8 **"§ 89C-19.1. Engineer who volunteers during an emergency; qualified immunity.**

9 (a) Any professional engineer who voluntarily, without compensation,
10 provides structural, electrical, mechanical, or other engineering services at the scene of
11 a declared national, State, or local emergency caused by a major earthquake, hurricane,
12 tornado, fire, explosion, collapse, or at the scene of any other similar disaster or
13 catastrophic event, at the request of a public official, law enforcement official, public
14 safety official, or building inspection official, acting in an official capacity, shall not be
15 liable for any personal injury, wrongful death, property damage, or other loss caused by
16 the professional engineer's acts or omissions in the performance of the engineering
17 services.

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

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

1 (2) That occurs within 90 days of the emergency, disaster, or catastrophic
2 event, unless extended by an executive order issued by the Governor
3 under the Governor's emergency executive powers.

4 (c) The immunity provided in subsection (a) of this section does not apply if
5 it is determined that the personal injury, wrongful death, property damage, or other loss
6 was caused by the wanton, willful, or intentional misconduct of the professional
7 engineer.

8 (d) As used in this section:

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

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

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

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

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