ENGROSSED SENATE
BILL NO. 413

By: Crutchfield of the Senate

and

Calvey of the House

An Act relating to torts; limiting liability for certain professionals in specified situations; stating time period in which immunity applies; stating exception to time period; defining terms; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5.8 of Title 76, unless there is created a duplication in numbering, reads as follows:

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. 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, 2005.

Passed the Senate the 28th day of February, 2005.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2005.

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Presiding Officer of the House
of Representatives