

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL 3188

By: McBride, Turner, Echols and  
Pittman of the House

6 and

7 Sykes of the Senate

8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to volunteer professional liability;  
11 amending 76 O.S. 2011, Section 5.8, as amended by  
12 Section 1, Chapter 276, O.S.L. 2013 (76 O.S. Supp.  
13 2013, Section 5.8), which relates to voluntary  
14 architectural or engineering services; modifying  
15 scope of immunity; providing immunity for certain  
16 persons producing risk-assessment reports for certain  
17 structures; and providing an effective date.

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

19 SECTION 1. AMENDATORY 76 O.S. 2011, Section 5.8, as  
20 amended by Section 1, Chapter 276, O.S.L. 2013 (76 O.S. Supp. 2013,  
21 Section 5.8), is amended to read as follows:

22 Section 5.8 A. A licensed architect or professional engineer  
23 who voluntarily, without compensation other than expense  
24 reimbursement, provides architectural, structural, electrical,  
mechanical or other design professional services related to a  
declared national, state or local emergency caused by a natural

1 disaster or catastrophic event, at the request of or with the  
2 approval of a national, state or local public official, law  
3 enforcement official, public safety official or building inspection  
4 official believed by the licensed architect or professional engineer  
5 to be acting in an official capacity, shall not be liable for any  
6 personal injury, wrongful death, property damage or other loss of  
7 any nature related to the licensed architect's or professional  
8 engineer's acts or omissions in the performance of such professional  
9 services for any publicly or privately owned structure, building,  
10 facility, project utility, equipment, machine, process, piping or  
11 other system. Nothing in this section shall provide immunity for  
12 injury or damage resulting from gross negligence or willful or  
13 wanton misconduct in rendering the emergency professional services.  
14 The immunity provided in this section shall apply only to a  
15 voluntary architectural or engineering service that occurs during  
16 the emergency or within ninety (90) days following the end of the  
17 period for an emergency, disaster or catastrophic event, unless  
18 extended by an executive order issued by the Governor under the  
19 Governor's emergency executive powers.

20 B. In the event a natural disaster or catastrophic event  
21 described pursuant to subsection A of this section occurs, and the  
22 services of licensed architects or professional engineers who  
23 provide architectural, structural, electrical, mechanical or other  
24 design professional services are required, but the number of

1 professional persons licensed or registered in this state is  
2 insufficient for such purpose, any person licensed or registered in  
3 another state to practice such profession and who is a member of a  
4 mobile support team or unit of the licensing state, may inspect and  
5 placard structures for safety and habitability in this state upon  
6 request by the Governor of this state and order of the Governor of  
7 the person's home state without being licensed or registered in this  
8 state. Out-of-state licensed architects or professional engineers  
9 who inspect and placard structures for safety and habitability under  
10 these conditions shall not be liable for any personal injury,  
11 wrongful death, property damage or other loss related to the  
12 licensed architect's or professional engineer's acts or omissions in  
13 the performance of such emergency professional services for any  
14 publicly or privately owned structure, building, facility, project  
15 utility, equipment, machine, process, piping or other system.  
16 Nothing in this section shall provide immunity for injury or damage  
17 resulting from gross negligence or willful or wanton misconduct in  
18 rendering the emergency professional services. The immunity  
19 provided in this section shall apply only to a voluntary  
20 architectural or engineering service of inspecting and placarding  
21 structures for safety and habitability that occurs during the  
22 emergency or within ninety (90) days following the end of the period  
23 for an emergency, disaster or catastrophic event, unless extended by

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1 an executive order issued by the Governor of this state under the  
2 Governor's emergency executive powers.

3 C. A licensed professional engineer with expertise in civil or  
4 structural engineering who agrees to voluntarily provide a natural  
5 disaster risk assessment that includes:

6 1. Options for hardening or installation of safe rooms in a  
7 publicly owned structure; or

8 2. Recommendations for safe refuge areas already existing in  
9 the publicly owned structure,

10 shall not be liable for any personal injury, wrongful death,

11 property damage or other loss of any nature related to the

12 individual's acts or omissions in the performance of such

13 professional voluntary services for any publicly owned structure.

14 Nothing in this section shall provide immunity for injury or damage

15 resulting from gross negligence or willful or wanton misconduct in

16 rendering the voluntary professional services.

17 D. A law enforcement officer who agrees to voluntarily provide  
18 a dangerous intruder risk assessment that includes:

19 1. Options for hardening or installation of safe rooms in a  
20 publicly owned structure; or

21 2. Recommendations for safe refuge areas already existing in  
22 the publicly owned structure,

23 shall not be liable for any personal injury, wrongful death,

24 property damage or other loss of any nature related to the

1 individual's acts or omissions in the performance of such  
2 professional voluntary services for any publicly owned structure.  
3 Nothing in this section shall provide immunity for injury or damage  
4 resulting from gross negligence or willful or wanton misconduct in  
5 rendering the voluntary professional services.

6 E. A licensed architect with knowledge of local municipal  
7 building codes who agrees to voluntarily provide a natural disaster  
8 risk assessment that includes:

9 1. Options for hardening or installation of safe rooms in a  
10 publicly owned structure; or

11 2. Recommendations for safe refuge areas already existing in  
12 the publicly owned structure,

13 shall not be liable for any personal injury, wrongful death,

14 property damage or other loss of any nature related to the

15 individual's acts or omissions in the performance of such

16 professional voluntary services for any publicly owned structure.

17 Nothing in this section shall provide immunity for injury or damage

18 resulting from gross negligence or willful or wanton misconduct in

19 rendering the voluntary professional services.

20 F. For the purposes of this section:

21 1. "Building inspection official" means any appointed or

22 elected federal, state or local official with executive

23 responsibility to coordinate building inspection in the jurisdiction

24 in which the emergency or event has occurred;

1       2. "Law enforcement official" means any appointed or elected  
2 federal, state or local official with executive responsibility to  
3 coordinate law enforcement in the jurisdiction in which the  
4 emergency or event has occurred;

5       3. "Licensed architect" means a person duly licensed pursuant  
6 to Section 46.1 et seq. of Title 59 of the Oklahoma Statutes;

7       4. "Professional engineer" means a person duly licensed and  
8 registered pursuant to Section 475.1 et seq. of Title 59 of the  
9 Oklahoma Statutes;

10       5. "Public official" means any elected federal, state or local  
11 official with executive responsibility in the jurisdiction in which  
12 the emergency or event has occurred; and

13       6. "Public safety official" means any appointed or elected  
14 federal, state or local official with executive responsibility to  
15 coordinate public safety in the jurisdiction in which the emergency  
16 or event has occurred.

17       SECTION 2. This act shall become effective November 1, 2014.

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