

1 Section 5.8 A. A licensed architect or professional engineer
2 who voluntarily, without compensation other than expense
3 reimbursement and reimbursement for cost of producing a report,
4 excluding compensation for time or effort involved in producing the
5 report, provides architectural, structural, electrical, mechanical
6 or other design professional services related to a declared
7 national, state or local emergency caused by a natural disaster or
8 catastrophic event, at the request of or with the approval of a
9 national, state or local public official, law enforcement official,
10 public safety official or building inspection official believed by
11 the licensed architect or professional engineer to be acting in an
12 official capacity, shall not be liable for any personal injury,
13 wrongful death, property damage or other loss of any nature related
14 to the licensed architect's or professional engineer's acts or
15 omissions in the performance of such professional services for any
16 publicly or privately owned structure, building, facility, project
17 utility, equipment, machine, process, piping or other system.
18 Nothing in this section shall provide immunity for injury or damage
19 resulting from gross negligence or willful or wanton misconduct in
20 rendering the emergency professional services. The immunity
21 provided in this section shall apply only to a voluntary
22 architectural or engineering service that occurs during the
23 emergency or within ninety (90) days following the end of the period
24 for an emergency, disaster or catastrophic event, unless extended by

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

3 B. In the event a natural disaster or catastrophic event
4 described pursuant to subsection A of this section occurs, and the
5 services of licensed architects or professional engineers who
6 provide architectural, structural, electrical, mechanical or other
7 design professional services are required, but the number of
8 professional persons licensed or registered in this state is
9 insufficient for such purpose, any person licensed or registered in
10 another state to practice such profession and who is a member of a
11 mobile support team or unit of the licensing state, may inspect and
12 placard structures for safety and habitability in this state upon
13 request by the Governor of this state and order of the Governor of
14 the person's home state without being licensed or registered in this
15 state. Out-of-state licensed architects or professional engineers
16 who inspect and placard structures for safety and habitability under
17 these conditions shall not be liable for any personal injury,
18 wrongful death, property damage or other loss related to the
19 licensed architect's or professional engineer's acts or omissions in
20 the performance of such emergency professional services for any
21 publicly or privately owned structure, building, facility, project
22 utility, equipment, machine, process, piping or other system.
23 Nothing in this section shall provide immunity for injury or damage
24 resulting from gross negligence or willful or wanton misconduct in

1 rendering the emergency professional services. The immunity
2 provided in this section shall apply only to a voluntary
3 architectural or engineering service of inspecting and placarding
4 structures for safety and habitability that occurs during the
5 emergency or within ninety (90) days following the end of the period
6 for an emergency, disaster or catastrophic event, unless extended by
7 an executive order issued by the Governor of this state under the
8 Governor's emergency executive powers.

9 C. A licensed professional engineer with expertise in civil or
10 structural engineering who agrees to voluntarily provide risk-
11 assessment that includes:

- 12 a. options for hardening or installation of safe rooms in
- 13 a school, or
- 14 b. recommendations for safe refuge areas already existing
- 15 in the school,

16 shall not be liable for any personal injury, wrongful death,
17 property damage or other loss of any nature related to the
18 individual's acts or omissions in the performance of such
19 professional voluntary services for any school. Nothing in this
20 section shall provide immunity for injury or damage resulting from
21 gross negligence or willful or wanton misconduct in rendering the
22 voluntary professional services.

23 D. For the purposes of this section:
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1 1. "Building inspection official" means any appointed or
2 elected federal, state or local official with executive
3 responsibility to coordinate building inspection in the jurisdiction
4 in which the emergency or event has occurred;

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

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

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

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

17 6. "Public safety official" means any appointed or elected
18 federal, state or local official with executive responsibility to
19 coordinate public safety in the jurisdiction in which the emergency
20 or event has occurred.

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 22-112.4 of Title 11, unless
23 there is created a duplication in numbering, reads as follows:

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1 In the event of accidental damage to or collapse of a city- or
2 state-owned structure, whether induced by weather effects, seismic
3 effects, or any other cause, the municipality having jurisdiction
4 shall comply with the following requirements:

5 1. No immediate action shall be taken to alter, remove, or
6 deconstruct the building except to the extent necessary for search
7 and rescue efforts;

8 2. Any failure or accidental collapse of a city- or state-owned
9 structure shall be considered just cause for a thorough
10 investigation concerning not only the nature and causes of the
11 failure but also the adequacy of the structural system to support
12 design loads;

13 3. If the failure results in at least one human fatality, the
14 municipality having jurisdiction shall allow an independent
15 investigation, whether voluntary or compensated, by a team of
16 licensed professional engineers having applicable expertise
17 consisting of independent consulting engineers and at least one
18 professor of civil engineering from an Oklahoma university;

19 4. The municipality having jurisdiction shall be compelled to
20 supply upon request the final drawings as approved by the design
21 engineer of record for comparison with the findings of the failure
22 investigation. Such drawings may be either the final design
23 drawings or the as-built drawings with approved change orders, but
24 must represent the final design decisions made by the design

1 engineer of record and accepted by the municipality having
2 jurisdiction; and

3 5. If the failure results in at least one human fatality, the
4 demolition and removal of the structure shall not proceed until the
5 independent investigation team has completed their field work.

6 SECTION 3. This act shall become effective November 1, 2014.

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8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/26/2014 - DO
9 PASS, As Amended and Coauthored.

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