

1 **SENATE FLOOR VERSION**

February 12, 2013

2 **AS AMENDED**

3 SENATE BILL NO. 294

By: Coates of the Senate

4 and

5 Jordan of the House

6
7
8 **[voluntary emergency services - limiting liability -**
9 **imposing time limitation on certain immunity -**
10 **effective date]**

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 76 O.S. 2011, Section 5.8, is
14 amended to read as follows:

15 Section 5.8. A. A licensed architect or professional engineer
16 who voluntarily, without compensation other than expense
17 reimbursement, provides architectural, structural, electrical,
18 mechanical or other design professional services related to a
19 declared national, state or local emergency caused by a natural
20 disaster or catastrophic event, at the request of or with the
21 approval of a national, state or local public official, law
22 enforcement official, public safety official or building inspection
23 official believed by the licensed architect or professional engineer
24 to be acting in an official capacity, shall not be liable for any

1 personal injury, wrongful death, property damage or other loss of
2 any nature related to the licensed architect's or professional
3 engineer's acts or omissions in the performance of such professional
4 services for any publicly or privately owned structure, building,
5 facility, project utility, equipment, machine, process, piping or
6 other system. Nothing in this section shall provide immunity for
7 injury or damage resulting from gross negligence or willful or
8 wanton misconduct in rendering the emergency professional services.
9 The immunity provided in this section shall apply only to a
10 voluntary architectural or engineering service that occurs during
11 the emergency or within ninety (90) days following the end of the
12 period for an emergency, disaster or catastrophic event, unless
13 extended by an executive order issued by the Governor under the
14 Governor's emergency executive powers.

15 B. In the event a natural disaster or catastrophic event
16 described pursuant to subsection A of this section occurs, and the
17 services of licensed architects or professional engineers who
18 provide architectural, structural, electrical, mechanical or other
19 design professional services are required, but the number of
20 professional persons licensed or registered in this state are
21 insufficient for such purpose, any person licensed or registered in
22 another state to practice such profession and who is a member of a
23 mobile support team or unit of the licensing state, may render
24 services in this state upon request for such services by the

1 Governor of this state and order of the Governor of the person's
2 home state without being licensed or registered in this state. Out-
3 of-state licensed architects or professional engineers performing
4 services under these conditions shall not be liable for any personal
5 injury, wrongful death, property damage or other loss related to the
6 licensed architect's or professional engineer's acts or omissions in
7 the performance of such professional services for any publicly or
8 privately owned structure, building, facility, project utility,
9 equipment machine, process, piping or other system. Nothing in this
10 section shall provide immunity for injury or damage resulting from
11 gross negligence or willful or wanton misconduct in rendering the
12 emergency professional services. The immunity provided in this
13 section shall apply only to a voluntary architectural or engineering
14 service that occurs during the emergency or within ninety (90) days
15 following the end of the period for an emergency, disaster or
16 catastrophic event, unless extended by an executive order issued by
17 the Governor of this state under the Governor's emergency executive
18 powers.

19 C. For the purposes of this section:

20 1. "Building inspection official" means any appointed or
21 elected federal, state or local official with executive
22 responsibility to coordinate building inspection in the jurisdiction
23 in which the emergency or event has occurred;

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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, 2013.

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
19 February 12, 2013 - DO PASS AS AMENDED
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