

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2312

By: Morrissette

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6 AS INTRODUCED

7 An Act relating to torts; amending 76 O.S. 2011,  
8 Section 5.8, as amended by Section 1, Chapter 276,  
9 O.S.L. 2013 (76 O.S. Supp. 2013, Section 5.8), which  
10 relates to voluntary architectural or engineering  
11 services; modifying scope of immunity; and providing  
12 an effective date.

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

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

18 Section 5.8 A. A licensed architect or professional engineer  
19 who voluntarily, without compensation other than expense  
20 reimbursement and reimbursement for cost of producing a report,  
21 excluding compensation for time or effort involved in producing the  
22 report, provides architectural, structural, electrical, mechanical  
23 or other design professional services ~~related to a declared~~  
24 ~~national, state or local emergency caused by a natural disaster or~~

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

20 B. In the event a national, state or local emergency caused by  
21 a natural disaster or catastrophic event ~~described pursuant to~~  
22 ~~subsection A of this section~~ occurs, and the services of licensed  
23 architects or professional engineers who provide architectural,  
24 structural, electrical, mechanical or other design professional

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

1 the Governor of this state under the Governor's emergency executive  
2 powers.

3 C. For the purposes of this section:

4 1. "Building inspection official" means any appointed or  
5 elected federal, state or local official with executive  
6 responsibility to coordinate building inspection in the jurisdiction  
7 in which the emergency or event has occurred;

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

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

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

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

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

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

54-2-8200 SD 10/01/13