

Good Samaritan Law for Design Professionals and Contractors

SB 795: An Act protecting engineers, architects, environmental professionals, landscape architects, planners, land surveyors, licensed site professionals, and contractors who render voluntary services at the scene of a disaster or catastrophe

Senate Sponsor: Senator Karen Spilka; House Sponsor: Rep. William “Smitty” Pignatelli and many cosponsors

ISSUE

During emergency situations caused by natural disasters, terrorist attacks, or other catastrophic events, professional engineers and other design professionals are often called upon—and readily volunteer their services—to assist with relief and recovery efforts. These services include ensuring the safety of structures, buildings, infrastructure, piping or other systems. However, more than 30 states and the federal government fail to extend immunity to professional engineers who provide critical services in an emergency.

As proven by the relief efforts following Hurricanes Sandy, Irene, Katrina and Rita, and the 9/11 terrorist attacks, professional engineers’ expertise in assessing structural, mechanical, electrical, or other infrastructure is invaluable to assisting federal, state, or local governments that may have limited resources during emergencies. After the Boston Marathon bombings, professional engineers were asked to provide structural engineering assessments to determine whether certain Boston buildings were safe for investigators. Therefore, it is crucial that the federal and state governments establish liability protections that provide immunity for design professionals during exigent circumstances and declared emergencies so that they can quickly volunteer their services without being deterred by liability concerns. In return, the government would be able to quickly mobilize design professionals to adequately evaluate threats to the public’s health and safety.

While many states have recognized the liability threat and have enacted “Good Samaritan” laws that provide immunity to some professionals for their voluntary services, only a handful of states have extended this type of protection to professional engineers, land surveyors, contractors and related professionals.*

KEY POINTS

- This Good Samaritan Legislation would provide liability protection for professional engineers, architects, environmental professionals, landscape architects, planners, land surveyors, licensed site professionals, and contractors who render voluntary services at the scene of a disaster or catastrophe.
- The legislation stipulates that these professionals who voluntarily and without compensation provides engineering services in response to a natural disaster, terrorist attack, or other catastrophic event shall not be liable for any personal injury wrongful death, property damage, or other loss caused by the engineer’s acts, errors or omissions in the performance of such services. Immunity would not be applied in cases of wanton, willful, or intentional misconduct.
- This coverage would include “exigent circumstances” so that it would be applicable to an engineer acting as a first responder to a crisis and removes the ambiguity of someone doing something before a disaster is actually declared. We want to include this protection for design professionals responding to smaller emergencies that might not be full scale disasters.

ACTION REQUESTED

- ***Support SB 795 and send a letter to the Joint Committee on the Judiciary urging passage of this bill.***

* Among the states that currently have comprehensive Good Samaritan statutes protecting professional engineers are: California, Colorado, Florida, Georgia, Kentucky, Louisiana, Maryland, Michigan, New Mexico, North Carolina, North Dakota, Oregon, Virginia, and Washington. In addition, Kansas, Tennessee, and Utah offer protection for engineers who provide services under emergency situations caused by certain catastrophic events only, i.e. earthquakes or floods.