

1 State of Arkansas *As Engrossed: H2/26/15 S3/11/15*

2 90th General Assembly

A Bill

3 Regular Session, 2015

HOUSE BILL 1392

4

5 By: Representatives House, Baine, Davis

6 *By: Senator Hester*

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For An Act To Be Entitled

9 AN ACT TO CREATE A GOOD SAMARITAN LAW FOR *ARCHITECTS*
10 *AND ENGINEERS*; TO AMEND THE LAW CONCERNING *ARCHITECTS*
11 *AND ENGINEERS*; TO PROVIDE PROTECTION TO CERTAIN
12 *ARCHITECTS AND ENGINEERS*; PROVIDING VOLUNTEER
13 SERVICES; AND FOR OTHER PURPOSES.

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Subtitle

17 *TO CREATE A GOOD SAMARITAN LAW FOR*
18 *ARCHITECTS AND ENGINEERS; TO AMEND THE*
19 *LAW CONCERNING ARCHITECTS AND ENGINEERS;*
20 *AND TO PROVIDE PROTECTION TO CERTAIN*
21 *ARCHITECTS AND ENGINEERS PROVIDING*
22 *VOLUNTEER SERVICES.*

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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. Arkansas Code Title 17, Chapter 15, Subchapter 1, is
28 amended to add an additional section to read as follows:

29 17-15-106. "Good Samaritan" law.

30 (a) If a registered architect or professional engineer voluntarily,
31 without compensation other than expense reimbursement, provides
32 architectural, structural, electrical, mechanical, or other design
33 professional services related to a declared national, state, or local
34 emergency caused by an earthquake, hurricane, tornado, fire, explosion,
35 collapse, or other similar disaster or catastrophic event, at the request of
36 or with the approval of a national, state, or local public official, law



1 enforcement official, public safety official, or building inspection official
2 believed by the registered architect or professional engineer to be acting in
3 his or her official capacity, the registered architect or professional
4 engineer shall not be liable for any personal injury, wrongful death,
5 property damage, or other loss of any nature related to the registered
6 architect's or professional engineer's acts, errors, or omissions in the
7 performance of any architectural or engineering services for any structure,
8 building, facility, project utility, equipment, machine, process, piping, or
9 other system, either publicly or privately owned.

10 (b) The immunity provided under subsection (a) of this section shall
11 apply only to a voluntary architectural or engineering service that occurs
12 during the emergency or within ninety (90) days following the end of the
13 period for an emergency, or other similar disaster or catastrophic event,
14 unless extended by an executive order issued by the Governor under the
15 Governor's emergency executive powers.

16 (c) This section does not provide immunity for wanton, willful, or
17 intentional misconduct.

18 (d) As used in this section:

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

23 (2) "Law enforcement official" means an appointed or elected
24 federal, state, or local official with the executive responsibility to
25 coordinate law enforcement in the jurisdiction in which an emergency or event
26 has occurred;

27 (3) "Professional engineer" means a person licensed as an
28 engineer under a state's engineering licensure laws.

29 (4) "Public official" means a federal, state, or local elected
30 official with the executive responsibility in the jurisdiction in which an
31 emergency or event has occurred;

32 (5) "Public safety official" means an appointed or elected
33 federal, state, or local official with the executive responsibility to
34 coordinate public safety in the jurisdiction in which an emergency or event
35 has occurred; and

36 (6) "Registered architect" means a person licensed under a

1 state's architectural licensure laws as a registered architect.

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3 SECTION 2. Arkansas Code Title 17, Chapter 30, Subchapter 1, is
4 amended to add an additional section to read as follows:

5 17-30-106. "Good Samaritan" law.

6 A professional engineer who voluntarily without compensation other than
7 expense reimbursement, provides architectural, structural, electrical,
8 mechanical, or other design professional services related to a declared
9 national, state, or local emergency caused by an earthquake, hurricane,
10 tornado, fire, explosion, collapse, or other similar disaster or catastrophic
11 event, shall be subject to the provisions and protection of § 17-15-106.

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13 /s/House

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16 APPROVED: 03/18/2015