

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H2/26/15 S3/11/15
A Bill

HOUSE BILL 1392

By: Representatives House, Baine, Davis

By: Senator Hester

For An Act To Be Entitled

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

Subtitle

TO CREATE A GOOD SAMARITAN LAW FOR ARCHITECTS AND ENGINEERS; TO AMEND THE LAW CONCERNING ARCHITECTS AND ENGINEERS; AND TO PROVIDE PROTECTION TO CERTAIN ARCHITECTS AND ENGINEERS PROVIDING VOLUNTEER SERVICES.

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

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

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

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



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

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

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

(d) As used in this section:

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

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

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

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

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

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

state's architectural licensure laws as a registered architect.

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

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

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

/s/House