



AMERICAN COUNCIL OF ENGINEERING COMPANIES

# FACT SHEET

## Good Samaritan Statutes for Design Professionals

### ISSUE

During emergency situations caused by natural disasters, terrorist attacks, or other catastrophic events, professional engineers 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 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. Therefore, it is crucial that the federal and state governments establish liability protections that provide immunity for professional engineers during a declared emergency so that engineers can quickly volunteer their services without being deterred by liability concerns. In return, the government would be able to quickly mobilize professional engineers 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 registered professional engineers.\*

### ACEC'S MODEL GOOD SAMARITAN LEGISLATION

ACEC, in conjunction with NSPE, AIA, and ASCE, crafted model Good Samaritan Legislation to help guide ACEC Member Organizations and state legislators that wish to pass liability protection for engineers and architects during emergency situations. The model legislation stipulates that a licensed professional engineer, or architect, that 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.

### ACTION REQUESTED

ACEC strongly encourages the federal government and state governments to enact laws that provide liability protect for professional engineers acting on a voluntary basis during emergency situations.

\* 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.

## **MODEL GOOD SAMARITAN STATUTE**

### 1. As used in this Section:

a. “Professional Engineer” shall mean a person duly licensed under the state engineering licensure law as a professional engineer;

b. “Registered Architect” shall mean a person duly licensed under state architectural licensure laws as a registered architect;

c. “Public Official” means any federal, state, or locally elected official with executive responsibility in the jurisdiction in which the emergency or event has occurred;

d. “Public Safety Official” means any appointed or elected federal, state, or local official with executive responsibility to coordinate public safety in the jurisdiction in which the emergency or event has occurred;

e. “Law Enforcement Official” means any appointed or elected federal, state, or local official with executive responsibility to coordinate law enforcement in the jurisdiction in which the emergency or event has occurred; and,

f. “Building Inspection Official” means any appointed or elected federal, state, or local official with executive responsibility to coordinate building inspection in the jurisdiction in which the emergency or event has occurred.

2. A registered architect or 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 a natural disaster (including an earthquake, hurricane, tornado, fire, explosion, or collapse), terrorist attack, 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 an official capacity, 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.

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

b. Nothing in this Section shall provide immunity for wanton, willful, or intentional misconduct.