COMMITTEE REPORT

March 21, 2012

**S. 1137**

Introduced by Senator Shoopman

S. Printed 3/21/12--S.

Read the first time January 24, 2012.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 1137) to amend the Code of Laws of South Carolina, 1976, by adding Sections 40‑3‑325 and 40‑22‑295 so as to enact the “Architects’ and Engineers' Volunteer Act”, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking lines 28-30 and inserting:

/ “Section 40‑3‑325. A licensed architect under the provisions of this chapter, or a licensed contractor or subcontractor as defined by Section 40-11-20, is immune from liability for volunteer architectural or volunteer construction services during an emergency in the same manner as a licensed /

Amend the bill further, as and if amended, page 2, by striking lines 11-20 and inserting:

/ (B) A licensed engineer, architect, contractor, or subcontractor who voluntarily, without compensation, provides structural, electrical, mechanical, or other engineering, architectural, or construction services at the scene of a declared national, state, or local emergency at the request of a public official, law enforcement official, public safety official, or building inspection official acting in an official capacity, is not liable for any personal injury, wrongful death, property damage, or other loss caused by the licensed engineer’s, architect’s, contractor’s, or subcontractor’s acts, errors, or omissions in /

Amend the bill further, as and if amended, page 2, by striking lines 24-31 and inserting:

/ (C)(1) Any licensed architect, engineer, contractor, or subcontractor appointed pursuant to this section must not be held liable for any civil damages as a result of the providing of requested architectural, engineering, or construction services unless the damages result from providing, or failing to provide, architectural, engineering, or construction services in reckless disregard for the consequences of the services provided.

(2) This section applies if the architect, engineer, contractor, or subcontractor does not receive payment from the State other than as allowed in Section 8-25-40 for the appointed services and prescribed duties. However, if the architect or engineer is an employee of the State, the architect or engineer may continue to receive compensation from his employer.” /

Renumber sections to conform.

Amend title to conform.

W. GREG RYBERG for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 40‑3‑325 AND 40‑22‑295 SO AS TO ENACT THE “ARCHITECTS’ AND ENGINEERS’ VOLUNTEER ACT” WHICH PROVIDES IMMUNITY FOR A REGISTERED ARCHITECT OR ENGINEER WHO PROVIDES CERTAIN ARCHITECTURAL OR ENGINEERING SERVICES AT THE SCENE OF A DECLARED EMERGENCY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. This act may be cited as the “Architects’ and Engineers’ Volunteer Act”.

SECTION 2. Chapter 3, Title 40 of the 1976 Code is amended by adding:

“Section 40‑3‑325. A registered architect under the provisions of this chapter is immune from liability for volunteer architectural services during an emergency in the same manner as a registered engineer is immune for volunteer engineering services as provided in Section 40‑22‑295.”

SECTION 3. Chapter 22, Title 40 of the 1976 Code is amended by adding:

“Section 40‑22‑295. (A) As used in this section:

(1) ‘Public official’ means a federal, state, or locally elected official with overall executive responsibility in the jurisdiction in which the emergency or event has occurred.

(2) ‘Public safety official’ means an appointed or elected federal, state, or local official with overall executive responsibility to coordinate public safety in the jurisdiction in which the emergency or event has occurred.

(3) ‘Law enforcement official’ means an appointed or elected federal, state, or local official with overall executive responsibility to coordinate law enforcement in the jurisdiction in which the emergency or event has occurred.

(4) ‘Building inspection official’ means an appointed or elected federal, state, or local official with overall executive responsibility to coordinate building inspection in the jurisdiction in which the emergency or event has occurred.

(B) A registered engineer or architect who voluntarily, without compensation, provides structural, electrical, mechanical, or other engineering or architectural services at the scene of a declared national, state, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or other similar disaster or catastrophic event at the request of a public official, law enforcement official, public safety official, or building inspection official acting in an official capacity, is not liable for any personal injury, wrongful death, property damage, or other loss caused by the registered engineer’s or architect’s acts, errors, or omissions in performing the engineering or architectural services for a structure, building, piping, or other engineered system, either publicly or privately owned.

(C) The immunity provided in this section only applies to a voluntary engineering or architectural service that occurs within ninety days of the emergency, disaster, or catastrophic event, unless extended by an executive order issued by the Governor under the Governor’s emergency executive powers.

(D) Nothing in this section provides immunity to a registered engineer or architect for wanton, wilful, or intentional misconduct.”

SECTION 4. This act takes effect upon approval by the Governor.

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