**South Carolina General Assembly**

122nd Session, 2017-2018

**A18, R27, S342**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Williams, Davis, Hembree, Campbell, J. Matthews, Setzler, Grooms, Hutto, Allen, Johnson, Nicholson, Scott, M.B. Matthews, Rankin, Sabb, Goldfinch, Alexander, Climer and Senn

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Introduced in the Senate on February 1, 2017

Introduced in the House on March 21, 2017

Last Amended on March 15, 2017

Passed by the General Assembly on April 28, 2017

Governor's Action: May 9, 2017, Signed

Summary: Engineer immunity

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/1/2017 Senate Introduced and read first time ([Senate Journal‑page 18](file:///h%3A%5Csj%5C20170201.docx))

 2/1/2017 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 18](file:///h%3A%5Csj%5C20170201.docx))

 3/9/2017 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** ([Senate Journal‑page 16](file:///h%3A%5Csj%5C20170309.docx))

 3/15/2017 Senate Committee Amendment Adopted ([Senate Journal‑page 18](file:///h%3A%5Csj%5C20170315.docx))

 3/15/2017 Senate Read second time ([Senate Journal‑page 18](file:///h%3A%5Csj%5C20170315.docx))

 3/15/2017 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 18](file:///h%3A%5Csj%5C20170315.docx))

 3/16/2017 Senate Read third time and sent to House ([Senate Journal‑page 14](file:///h%3A%5Csj%5C20170316.docx))

 3/16/2017 Scrivener's error corrected

 3/21/2017 House Introduced and read first time ([House Journal‑page 123](file:///h%3A%5Chj%5C20170321.docx))

 3/21/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 123](file:///h%3A%5Chj%5C20170321.docx))

 4/26/2017 House Committee report: Favorable **Judiciary** ([House Journal‑page 112](file:///h%3A%5Chj%5C20170426.docx))

 4/27/2017 House Read second time ([House Journal‑page 32](file:///h%3A%5Chj%5C20170427.docx))

 4/27/2017 House Roll call Yeas‑96 Nays‑0 ([House Journal‑page 33](file:///h%3A%5Chj%5C20170427.docx))

 4/27/2017 House Unanimous consent for third reading on next legislative day ([House Journal‑page 34](file:///h%3A%5Chj%5C20170427.docx))

 4/28/2017 House Read third time and enrolled ([House Journal‑page 1](file:///h%3A%5Chj%5C20170428.docx))

 5/4/2017 Ratified R 27

 5/9/2017 Signed By Governor

 5/12/2017 Effective date 5/9/17

 5/15/2017 Act No. 18

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=342&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/1/2017](file:///p%3A%5Cpprever%5C2017-18%5C342_20170201.docx)

[3/9/2017](file:///p%3A%5Cpprever%5C2017-18%5C342_20170309.docx)

[3/15/2017](file:///p%3A%5Cpprever%5C2017-18%5C342_20170315.docx)

[3/16/2017](file:///p%3A%5Cpprever%5C2017-18%5C342_20170316.docx)

[4/26/2017](file:///p%3A%5Cpprever%5C2017-18%5C342_20170426.docx)

(A18, R27, S342)

**AN ACT** **TO AMEND SECTION 40‑22‑295, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENGINEER IMMUNITY FOR CERTAIN VOLUNTARY PROFESSIONAL SERVICES RENDERED AT THE SCENES OF DECLARED STATE OR NATIONAL EMERGENCIES AT THE REQUEST OF THE GOVERNOR, SO AS TO EXTEND THE EXEMPTION TO SURVEYORS; AND TO AMEND SECTION 40‑22‑280, AS AMENDED, RELATING TO THE EXEMPTION OF ELECTRIC COOPERATIVE EMPLOYEES FROM THE STATE REGULATION OF ENGINEERS AND SURVEYORS IN CERTAIN CIRCUMSTANCES, SO AS TO REVISE THE CLASSIFICATION OF EMPLOYEES TO WHOM THE EXEMPTION IS APPLICABLE AND TO CORRECT AN OBSOLETE REFERENCE.**

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

**Emergency service immunities extended to surveyors**

SECTION 1. Section 40‑22‑295 of the 1976 Code, as added by Act 280 of 2012, is amended to read:

 “Section 40‑22‑295. (A) A licensed engineer or surveyor who voluntarily, without compensation, provides structural, electrical, mechanical, or other engineering services or surveying services at the scene of a declared national or state emergency, at the request of the Governor, is not liable for any personal injury, wrongful death, property damage, or other loss caused by the licensed engineer or surveyor’s acts, errors, or omissions in performing the engineering or surveying services for a property, structure, building, piping, or other engineered system, either publicly or privately owned. Immunity from liability under this section is only effective as to services rendered during the thirty days following the event that gave rise to the declared state of emergency.

 (B)(1) Any licensed engineer or surveyor appointed pursuant to this section must not be held liable for any civil damages as a result of the providing of requested engineering or surveying services unless the damages result from providing, or failing to provide engineering or surveying services if the consequences of the services provided are proven by a preponderance of the evidence to be the result of gross negligence or recklessness.

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

 (C) This section does not provide immunity from liability to persons providing services pursuant to Section 40‑22‑75.”

**Electric cooperative employee exemption revised**

SECTION 2. Section 40‑22‑280(A)(6) of the 1976 Code, as last amended by Act 259 of 2016, is further amended to read:

 “(6) the work or practice of a regular employee of an electric cooperative, when rendering to the employing cooperative engineering service in connection with its facilities which are subject to regulations and inspections of the Rural Utilities Service, if the person is actually and exclusively employed. Engineering work not related to the exemption in this item where the safety of the public is directly involved must be accomplished by or under the responsible charge of a professional engineer;”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 4th day of May, 2017.

Approved the 9th day of May, 2017.

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