

By: Representatives Johnson (87th) (By Request), Bomgar

To: Judiciary A

HOUSE BILL NO. 1317

1 AN ACT TO CREATE THE GOOD SAMARITAN LAW FOR ARCHITECTS AND
2 ENGINEERS; TO PROVIDE PROTECTION FROM LIABILITY FOR ARCHITECTS AND
3 ENGINEERS IN EMERGENCY SITUATIONS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** This act shall be known and may be cited as "The
6 Good Samaritan Law for Architects and Engineers."

7 **SECTION 2.** As used in this section, the following words
8 shall have the following meaning:

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

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

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



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

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

26 (f) "Registered architect" means a person licensed
27 under a state's architectural licensure laws as a registered
28 architect.

29 **SECTION 3.** (1) If a registered architect or professional
30 engineer voluntarily, without compensation other than expense
31 reimbursement, provides architectural, structural, electrical,
32 mechanical or other design professional services related to a
33 declared national, state, or local emergency caused by an
34 earthquake, hurricane, tornado, fire, explosion, collapse or other
35 similar disaster or catastrophic event, at the request of or with
36 the approval of a national, state or local public official, law
37 enforcement official, public safety official or building
38 inspection official believed by the registered architect or
39 professional engineer to be acting in his or her official
40 capacity, the registered architect or professional engineer shall
41 not be liable for any personal injury, wrongful death, property
42 damage or other loss of any nature related to the registered
43 architect's or professional engineer's acts, errors or omissions



44 in the performance of any architectural or engineering services
45 for any structure, building, facility, project utility, equipment,
46 machine, process, piping or other system, either publicly or
47 privately owned.

48 (2) The immunity provided under subsection (1) of this
49 section shall apply only to a voluntary architectural or
50 engineering service that occurs during the emergency or within
51 ninety (90) days following the end of the period for an emergency,
52 or other similar disaster or catastrophic event, unless extended
53 by an executive order issued by the Governor under the Governor's
54 emergency executive powers.

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

57 **SECTION 4.** This act shall take effect and be in force from
58 and after July 1, 2016.

