

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 22

Introduced by Krist, 10.

Read first time January 08, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Engineers and Architects Regulation
- 2 Act; to amend section 81-3401, Reissue Revised Statutes of Nebraska;
- 3 to provide immunity to architects and professional engineers for
- 4 certain professional services performed during an emergency; to
- 5 harmonize provisions; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-3401, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-3401 Sections 81-3401 to 81-3455 and section 2 of this act shall
4 be known and may be cited as the Engineers and Architects Regulation Act.

5 Sec. 2. (1) An architect or professional engineer licensed under
6 the Engineers and Architects Regulation Act who voluntarily and without
7 compensation, other than expense reimbursement, provides architectural,
8 structural, electrical, mechanical, or other design professional services
9 related to a declared national, state, or local emergency caused by a
10 natural disaster, terrorist attack, or other similar disaster or
11 catastrophic event, at the request of or with the approval of a national,
12 state, or local public official, law enforcement official, public safety
13 official, or building inspection official believed by the architect or
14 professional engineer to be acting in an official capacity, shall not be
15 liable for any personal injury, wrongful death, property damage, or other
16 loss of any nature related to the architect's or professional engineer's
17 acts, errors, or omissions in the performance of any architectural or
18 engineering services for any structure, building, facility, project,
19 utility, equipment, machine, process, piping, or other system, either
20 publicly or privately owned.

21 (2) The immunity provided in this section shall apply only to a
22 voluntary architectural or engineering service that occurs during the
23 emergency or within ninety days following the date of the emergency.

24 (3) Nothing in this section shall provide immunity for willful,
25 wanton, reckless, or intentional misconduct.

26 (4) For purposes of this section:

27 (a) Building inspection official means any appointed or elected
28 federal, state, or local official with executive responsibility to
29 coordinate building inspection in the jurisdiction in which the emergency
30 or event has occurred;

31 (b) Law enforcement official means any appointed or elected federal,

1 state, or local official with executive responsibility to coordinate law
2 enforcement in the jurisdiction in which the emergency or event has
3 occurred;

4 (c) Public official means any federal, state, or locally elected
5 official with executive responsibility in the jurisdiction in which the
6 emergency or event has occurred; and

7 (d) Public safety official means any appointed or elected federal,
8 state, or local official with executive responsibility to coordinate
9 public safety in the jurisdiction in which the emergency or event has
10 occurred.

11 Sec. 3. Original section 81-3401, Reissue Revised Statutes of
12 Nebraska, is repealed.