



# Senate

General Assembly

January Session, 2003

**File No. 201**

Senate Bill No. 1049

*Senate, April 7, 2003*

The Committee on General Law reported through SEN. COLAPIETRO of the 31st Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

## **AN ACT CONCERNING GOOD SAMARITAN IMMUNITY FOR PROFESSIONAL ENGINEERS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) As used in this  
2 section, "professional engineer" means a person licensed as a  
3 professional engineer under chapter 391 of the general statutes, and  
4 "public official" means a federal, state or municipal official (1) having  
5 or duly authorized to exercise executive authority, (2) responsible for  
6 coordinating emergency assistance, disaster relief or similar activities  
7 to protect the public safety, (3) responsible for law enforcement  
8 activities, or (4) responsible for conducting or coordinating building  
9 inspections in an area of this state in which a declared emergency,  
10 disaster or catastrophic event has occurred.

11 (b) A professional engineer who, voluntarily and gratuitously and  
12 other than in the ordinary course of such professional engineer's  
13 employment or practice, provides structural, electrical, mechanical or

14 other engineering services relating to any publicly or privately-owned  
 15 structure, building or piping system, in connection with an emergency  
 16 declared by the President under federal law or by the Governor under  
 17 the laws of this state, when such emergency is caused by a hurricane,  
 18 tornado, storm, flood, high water, wind-driven water, tidal wave,  
 19 tsunami, earthquake, volcanic eruption, landslide, mudslide,  
 20 snowstorm, drought, fire, explosion, collapse or other disaster or  
 21 catastrophic event in this state, at the request or with the approval of a  
 22 public official acting in an official capacity, shall not be liable for civil  
 23 damages for personal injury, wrongful death, property damage or  
 24 other loss which results from acts, errors or omissions by such  
 25 professional engineer in the performance of such engineering services  
 26 that may constitute ordinary negligence.

27 (c) The immunity provided in subsection (b) of this section applies  
 28 only in the case of engineering services that are provided during the  
 29 period of the declared emergency, including any extension of such  
 30 period, or not later than ninety days following the end of such period  
 31 or extension. Such immunity does not apply to acts, errors or  
 32 omissions constituting gross, wilful or wanton negligence or  
 33 intentional misconduct.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

**GL**            *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Type</b>	<b>FY 04 \$</b>	<b>FY 05 \$</b>
Attorney General	GF - None	None	None
Adjudicated Claims (Comptroller)	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill makes professional engineers immune from civil liability under certain conditions. It does not make the state liable for any negligence and, therefore, there is no potential cost for judgments rendered against the state.

**OLR Bill Analysis**

SB 1049

***AN ACT CONCERNING GOOD SAMARITAN IMMUNITY FOR PROFESSIONAL ENGINEERS*****SUMMARY:**

The bill gives professional engineers who volunteer their services during declared emergencies immunity from civil damages for personal injury, wrongful death, property damage, or other loss resulting from their acts, errors, or omissions that may constitute ordinary negligence in the performance of engineering services.

The immunity applies to engineers who voluntarily, gratuitously, and other than in the ordinary course of their employment or practice provide structural, electrical, mechanical, or other engineering services. The services must (1) relate to a publicly or privately owned structure, building, or pipe system; (2) be provided in connection with an emergency declared by the President or governor; and (3) be provided at the request, or with the approval, of a public official acting in an official capacity.

The immunity applies only to engineering services provided during the declared emergency, including any extensions, and 90 days after the emergency and extensions end.

The immunity does not apply to gross, willful, or wanton negligence or intentional misconduct.

EFFECTIVE DATE: October 1, 2003

**PUBLIC OFFICIAL**

A "public official" is a federal, state or municipal official (1) having or duly authorized to exercise executive authority; (2) responsible for coordinating emergency assistance, disaster relief, or similar activities to protect the public safety; (3) responsible for law enforcement activities; or (4) responsible for conducting or coordinating building inspections in an area of this state in which a declared emergency,

disaster, or catastrophic event has occurred.

**PUBLIC EMERGENCIES**

To be covered by the bill, the emergency must be caused by a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, collapse, or other disaster or catastrophic event in Connecticut.

**COMMITTEE ACTION**

General Law Committee

Joint Favorable Report

Yea 17    Nay 0