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**By: Delegate Bissett**

Introduced and read first time: February 6, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Professional Engineers - Voluntary Practice of Engineering at Scene of Emergency,**  
3 **Disaster, or Catastrophic Event - Immunity**

4 FOR the purpose of providing that a professional engineer is not liable for any loss  
5 caused by an act, error, or omission of the professional engineer while practicing  
6 engineering if the act, error, or omission was not wanton, willful, or intentional and  
7 the practice of engineering was performed voluntarily, at the scene of an emergency,  
8 disaster, or catastrophic event, and at the request of a certain official acting in an  
9 official capacity; providing that the immunity provided by this Act applies only to  
10 the voluntary practice of engineering within a certain period after the emergency,  
11 disaster, or catastrophic event, unless extended by an executive order issued by the  
12 Governor; and generally relating to immunity for professional engineers who  
13 voluntarily practice engineering at the scene of an emergency, disaster, or  
14 catastrophic event.

15 BY adding to

16 Article - Business Occupations and Professions  
17 Section 14-404  
18 Annotated Code of Maryland  
19 (1995 Replacement Volume and 1996 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Business Occupations and Professions**

23 14-404.

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
25 INDICATED.

26 (2) "BUILDING INSPECTION OFFICIAL" MEANS ANY APPOINTED OR  
27 ELECTED FEDERAL, STATE, OR LOCAL OFFICIAL WITH OVERALL EXECUTIVE  
28 RESPONSIBILITY TO COORDINATE BUILDING INSPECTION IN THE JURISDICTION IN  
29 WHICH AN EMERGENCY, DISASTER, OR CATASTROPHIC EVENT HAS OCCURRED.

30 (3) "LAW ENFORCEMENT OFFICIAL" MEANS ANY APPOINTED OR  
31 ELECTED FEDERAL, STATE, OR LOCAL OFFICIAL WITH OVERALL EXECUTIVE

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1 RESPONSIBILITY TO COORDINATE LAW ENFORCEMENT IN THE JURISDICTION IN  
2 WHICH AN EMERGENCY, DISASTER, OR CATASTROPHIC EVENT HAS OCCURRED.

3 (4) "PUBLIC OFFICIAL" MEANS ANY FEDERAL, STATE, OR LOCALLY  
4 ELECTED OFFICIAL WITH OVERALL EXECUTIVE RESPONSIBILITY IN THE  
5 JURISDICTION IN WHICH AN EMERGENCY, DISASTER, OR CATASTROPHIC EVENT HAS  
6 OCCURRED.

7 (5) "PUBLIC SAFETY OFFICIAL" MEANS ANY APPOINTED OR ELECTED  
8 FEDERAL, STATE, OR LOCAL OFFICIAL WITH OVERALL EXECUTIVE RESPONSIBILITY  
9 TO COORDINATE PUBLIC SAFETY IN THE JURISDICTION IN WHICH AN EMERGENCY,  
10 DISASTER, OR CATASTROPHIC EVENT HAS OCCURRED.

11 (B) A PROFESSIONAL ENGINEER IS NOT LIABLE FOR ANY PERSONAL INJURY,  
12 WRONGFUL DEATH, PROPERTY DAMAGE, OR OTHER LOSS CAUSED BY AN ACT,  
13 ERROR, OR OMISSION OF THE PROFESSIONAL ENGINEER WHILE PRACTICING  
14 ENGINEERING WITH REGARD TO ANY STRUCTURE, BUILDING, PIPING, OR OTHER  
15 ENGINEERED SYSTEM, EITHER PUBLICLY OR PRIVATELY OWNED, IF:

16 (1) THE ACT, ERROR, OR OMISSION WAS NOT WANTON, WILLFUL, OR  
17 INTENTIONAL; AND

18 (2) THE PRACTICE OF ENGINEERING WAS PERFORMED:

19 (I) VOLUNTARILY AND WITHOUT COMPENSATION;

20 (II) AT THE SCENE OF A DECLARED NATIONAL, STATE, OR LOCAL  
21 EMERGENCY CAUSED BY A MAJOR EARTHQUAKE, HURRICANE, TORNADO, FIRE,  
22 EXPLOSION, COLLAPSE, OR SIMILAR DISASTER OR CATASTROPHIC EVENT; AND

23 (III) AT THE REQUEST OF A PUBLIC OFFICIAL, LAW ENFORCEMENT  
24 OFFICIAL, PUBLIC SAFETY OFFICIAL, OR BUILDING INSPECTION OFFICIAL, ACTING  
25 IN AN OFFICIAL CAPACITY.

26 (C) THE IMMUNITY PROVIDED BY THIS SECTION APPLIES ONLY TO THE  
27 VOLUNTARY PRACTICE OF ENGINEERING PERFORMED WITHIN 90 DAYS AFTER THE  
28 EMERGENCY, DISASTER, OR CATASTROPHIC EVENT, UNLESS EXTENDED BY AN  
29 EXECUTIVE ORDER ISSUED BY THE GOVERNOR UNDER THE GOVERNOR'S  
30 EMERGENCY EXECUTIVE POWERS.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 1997.