

SENATE BILL 330

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D3

1998 Regular Session
8r1549
CF 8r1416

By: **Senator Stone**

Introduced and read first time: February 5, 1998

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Architects - Emergencies - Voluntary Practice of Architecture - Immunity**

3 FOR the purpose of providing that a licensed architect is not liable for any loss caused
4 by an act, error, or omission of the licensed architect while practicing
5 architecture if the act, error, or omission was not wanton, willful, or intentional
6 and the practice of architecture was performed voluntarily and without
7 compensation, at the scene of an emergency, disaster, or catastrophic event, and
8 at the request of a certain official acting in an official capacity under certain
9 circumstances; limiting the immunity provided by this Act; providing for the
10 application of this Act; defining certain terms; and generally relating to certain
11 immunity for licensed architects who voluntarily and without compensation
12 practice architecture at the scene of an emergency, disaster, or catastrophic
13 event.

14 BY adding to

15 Article - Courts and Judicial Proceedings

16 Section 5-426

17 Annotated Code of Maryland

18 (1995 Replacement Volume and 1997 Supplement)

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

21 **Article - Courts and Judicial Proceedings**

22 5-426.

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

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

1 (3) "FIRE OFFICIAL" MEANS ANY APPOINTED OR ELECTED LOCAL
2 OFFICIAL WITH OVERALL EXECUTIVE RESPONSIBILITY TO COORDINATE FIRE,
3 RESCUE, OR EMERGENCY MEDICAL SERVICES IN THE JURISDICTION IN WHICH A
4 FIRE, EMERGENCY, DISASTER, OR CATASTROPHIC EVENT HAS OCCURRED.

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

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

13 (6) "PUBLIC SAFETY OFFICIAL" MEANS ANY APPOINTED OR ELECTED
14 FEDERAL, STATE, OR LOCAL OFFICIAL WITH OVERALL EXECUTIVE RESPONSIBILITY
15 TO COORDINATE PUBLIC SAFETY IN THE JURISDICTION IN WHICH AN EMERGENCY,
16 DISASTER, OR CATASTROPHIC EVENT HAS OCCURRED.

17 (B) A LICENSED ARCHITECT IS NOT PERSONALLY LIABLE IN DAMAGES
18 BEYOND THE LIMITS OF ANY APPLICABLE INSURANCE OR SELF-INSURANCE FOR
19 ANY PERSONAL INJURY, WRONGFUL DEATH, PROPERTY DAMAGE, OR OTHER LOSS
20 CAUSED BY AN ACT, ERROR, OR OMISSION OF THE LICENSED ARCHITECT WHILE
21 PRACTICING ARCHITECTURE WITH REGARD TO ANY STRUCTURE OR OTHER
22 ARCHITECTURAL DESIGN, EITHER PUBLICLY OR PRIVATELY OWNED, IF:

23 (1) THE ACT, ERROR, OR OMISSION WAS NOT WANTON, WILLFUL,
24 INTENTIONALLY TORTIOUS, OR GROSSLY NEGLIGENT; AND

25 (2) THE PRACTICE OF ARCHITECTURE WAS PERFORMED:

26 (I) VOLUNTARILY AND WITHOUT COMPENSATION;

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

30 (III) AT THE REQUEST OF A PUBLIC OFFICIAL, LAW ENFORCEMENT
31 OFFICIAL, PUBLIC SAFETY OFFICIAL, FIRE OFFICIAL, OR BUILDING INSPECTION
32 OFFICIAL, ACTING IN AN OFFICIAL CAPACITY.

33 (C) THE IMMUNITY PROVIDED BY THIS SECTION APPLIES ONLY TO THE
34 VOLUNTARY PRACTICE OF ARCHITECTURE PERFORMED WHILE A DECLARED STATE
35 OF EMERGENCY IS IN EFFECT.

36 (D) (1) THIS SECTION DOES NOT CREATE, AND MAY NOT BE CONSTRUED AS
37 CREATING, A NEW CAUSE OF ACTION OR SUBSTANTIVE LEGAL RIGHT AGAINST A
38 LICENSED ARCHITECT.

1 (2) THIS SECTION DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS
2 AFFECTING, ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED
3 BY ANY OTHER PROVISIONS OF THE CODE OR AVAILABLE AT COMMON LAW, TO
4 WHICH A LICENSED ARCHITECT MAY BE ENTITLED.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
6 construed to apply only prospectively and may not be applied or interpreted to have
7 any effect on or application to any cause of action arising before the effective date of
8 this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1998.