

CHAPTER 89

COURTS

SENATE BILL 98-124

BY SENATORS Schroeder, Alexander, Congrove, Norton, Powers, and Tebedo;
also REPRESENTATIVES Agler, Lawrence, Pfiffner, Salaz, and Tucker.

AN ACT

CONCERNING A GRANT OF QUALIFIED IMMUNITY TO LICENSED PROFESSIONALS WHO ASSIST IN SECURING
THE SAFETY OF STRUCTURES DURING TIMES OF EMERGENCY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 1 of article 21 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

13-21-108.3. Architects and professional engineers rendering assistance during emergency or disaster - qualified immunity from civil liability. (1) AN ARCHITECT LICENSED PURSUANT TO ARTICLE 4 OF TITLE 12, C.R.S., OR A PROFESSIONAL ENGINEER LICENSED PURSUANT TO ARTICLE 25 OF TITLE 12, C.R.S., WHO VOLUNTARILY AND WITHOUT COMPENSATION PROVIDES ARCHITECTURAL OR ENGINEERING SERVICES, RESPECTIVELY, AT THE SCENE OF AN EMERGENCY SHALL NOT BE LIABLE FOR ANY PERSONAL INJURY, WRONGFUL DEATH, PROPERTY DAMAGE, OR OTHER LOSS CAUSED BY AN ACT OR OMISSION OF SUCH ARCHITECT OR ENGINEER IN PERFORMING SUCH SERVICES.

(2) AS USED IN THIS SECTION, "EMERGENCY" MEANS A DISASTER EMERGENCY DECLARED BY EXECUTIVE ORDER OR PROCLAMATION OF THE GOVERNOR PURSUANT TO SECTION 24-32-2104 (4), C.R.S.

(3) THE IMMUNITY PROVIDED IN SUBSECTION (1) OF THIS SECTION APPLIES ONLY TO AN ARCHITECTURAL OR ENGINEERING SERVICE THAT:

(a) CONCERNS AN IDENTIFIED BUILDING, STRUCTURE, OR OTHER ARCHITECTURAL OR ENGINEERING SYSTEM, WHETHER PUBLICLY OR PRIVATELY OWNED;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) RELATES TO THE STRUCTURAL INTEGRITY OF THE BUILDING, STRUCTURE, OR SYSTEM OR TO A NONSTRUCTURAL ELEMENT THEREOF AFFECTING LIFE SAFETY; AND

(c) IS RENDERED DURING THE TIME IN WHICH A STATE OF DISASTER EMERGENCY EXISTS, AS PROVIDED IN SECTION 24-32-2104 (4), C.R.S.

(4) NOTHING IN THIS SECTION SHALL PROVIDE IMMUNITY FOR GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 1998, and shall apply to acts committed on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 10, 1998