

## CHAPTER 37

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**COURTS**

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**HOUSE BILL 09-1080**

BY REPRESENTATIVE(S) Marostica, Baumgardner, Frangas, Gardner B., Gardner C., Gerou, Kerr J., Labuda, Lambert, Liston, Middleton, Miklosi, Murray, Nikkel, Priola, Ryden, Stephens, Tipton, Todd;  
also SENATOR(S) Williams, Heath.

**AN ACT**

**CONCERNING A GRANT OF QUALIFIED IMMUNITY TO BUILDING CODE OFFICIALS RENDERING ASSISTANCE DURING A DISASTER EMERGENCY.**

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

**SECTION 1.** 13-21-108.3, Colorado Revised Statutes, is amended to read:

**13-21-108.3. Architects, building code officials, professional engineers, and professional land surveyors rendering assistance during emergency or disaster - qualified immunity from civil liability.** (1) An architect licensed pursuant to part 3 of article 25 of title 12, C.R.S., A BUILDING CODE OFFICIAL, a professional engineer licensed pursuant to part 1 of article 25 of title 12, C.R.S., or a professional land surveyor licensed pursuant to part 2 of article 25 of title 12, C.R.S., who voluntarily and without compensation provides architectural, DAMAGE ASSESSMENT, engineering, or surveying 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~~ THE architect, BUILDING CODE OFFICIAL, engineer, or surveyor in performing such services.

(2) As used in this section, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BUILDING CODE OFFICIAL" MEANS AN INDIVIDUAL MAINTAINING A BUILDING INSPECTOR, BUILDING CODE OFFICIAL, OR CERTIFIED BUILDING OFFICIAL CERTIFICATION IN GOOD STANDING BY THE INTERNATIONAL CODE COUNCIL OR SIMILAR ASSOCIATION OF BUILDING CODE OFFICIALS.

(b) "Emergency" means a disaster emergency declared by executive order or proclamation of the governor pursuant to section 24-32-2104 (4), C.R.S.

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

(3) The immunity provided in subsection (1) of this section applies only to an architectural, DAMAGE ASSESSMENT, or engineering service that:

(a) Concerns an identified building, structure, or other architectural or engineering system, whether publicly or privately owned;

(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.

(5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ABROGATE ANY PROVISION OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT", PROVIDED IN ARTICLE 10 OF TITLE 24, C.R.S.

**SECTION 2. Effective date - applicability.** This act shall take effect upon passage and shall apply to claims arising 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: March 20, 2009