

Good Samaritan Protection for Construction, Architectural, and Engineering Volunteers Act (Introduced in House)

HR 2067 IH

110th CONGRESS

1st Session

H. R. 2067

To provide construction, architectural, and engineering entities with qualified immunity from liability for negligence when providing services or equipment on a volunteer basis in response to a declared emergency or disaster.

IN THE HOUSE OF REPRESENTATIVES

April 26, 2007

Mr. REICHERT (for himself, Mr. MATHESON, Mr. GARY G. MILLER of California, Ms. VELAZQUEZ, Mr. SHAYS, and Mr. DANIEL E. LUNGREN of California) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide construction, architectural, and engineering entities with qualified immunity from liability for negligence when providing services or equipment on a volunteer basis in response to a declared emergency or disaster.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Good Samaritan Protection for Construction, Architectural, and Engineering Volunteers Act'.

SEC. 2. FINDINGS.

The Congress finds the following:

- (1) The construction, architectural, and engineering industries provide a valuable service in times of disasters and emergencies.
- (2) The construction, architectural, and engineering industries answered the call on September 11, 2001, and the days afterwards to assist in the search, recovery, and clean-

up efforts in New York City and Arlington, Virginia, as well as in the aftermath of Hurricane Katrina.

(3) The expertise and equipment brought forth for the search, recovery, and other efforts greatly advanced and improved the efficiency of these efforts.

(4) Such efforts by the construction, architectural, and engineering industries make it safer for police, firefighters, and other rescue workers to work on search and recovery efforts.

(5) The services provided by the construction, architectural, and engineering industries improve the safety of the public by the assessment, containment, and mitigation of conditions that threaten life and property.

(6) Construction companies and architectural and engineering entities were faced with lawsuits as a result of their voluntary efforts on behalf of their fellow citizens in New York City and the Gulf Coast.

(7) Providing construction contractors and architectural and engineering entities qualified immunity from liability when providing services in this type of volunteer activity helps to ensure that such services will be available in the future in times of need.

SEC. 3. PROVISION OF QUALIFIED IMMUNITY FROM LIABILITY FOR NEGLIGENCE TO CONSTRUCTION, ARCHITECTURAL, AND ENGINEERING ENTITIES WHEN PROVIDING SERVICES OR EQUIPMENT ON A VOLUNTEER BASIS IN RESPONSE TO A DECLARED EMERGENCY OR DISASTER.

(a) Liability Protection- When a construction entity provides emergency construction assistance, or an architectural or engineering entity provides emergency architectural or engineering assistance, on a voluntary basis, in good faith, and without expectation of compensation, and the entity or an employee of such entity negligently causes harm, the entity and the employee, if applicable, are not jointly, severally, or individually liable in damages for that harm. Nothing in this section shall be construed as providing immunity for gross negligence or willful misconduct.

(b) Definitions- In this section:

(1) The term `construction entity' means a person, sole proprietorship, partnership, limited liability company, or corporation in the regular business of providing construction assistance.

(2) The term `architectural or engineering entity' means a person, sole proprietorship, partnership, limited liability

company, or corporation in the regular business of providing architectural or engineering assistance.

(3) The term `construction assistance' means materials, labor, equipment, or services for construction-related activities, including construction, demolition, repair, clean-up, alteration, and remediation.

(4) The term `architectural or engineering assistance' means professional services of an architectural or engineering nature, as defined by State law, if applicable, that are required to be performed or approved by a licensed professional architect or engineer.

(5) The terms `emergency construction assistance' and `emergency architectural or engineering assistance' mean construction assistance and architectural or engineering assistance, respectively, provided--

(A) at the direction of a public official acting in an official capacity; and

(B) in response to or arising out of a declared Federal, State, or local emergency or disaster, whether the assistance is provided before or after the formal declaration of emergency or disaster.

(c) Relationship to State Law-

(1) PREEMPTION- This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that it does not preclude a State from providing a higher amount of protection from liability, or from providing reimbursement for costs or expenses as authorized by State or local law.

(2) WORKERS COMPENSATION- This section does not apply to liability under workers compensation laws.