

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 664

Introduced by Krist, 10.

Read first time January 08, 2014

Committee:

A BILL

1 FOR AN ACT relating to the Engineers and Architects Regulation Act;
2 to amend section 81-3401, Revised Statutes Cumulative
3 Supplement, 2012; to provide immunity for the provision
4 of voluntary design professional services during an
5 emergency; to harmonize provisions; and to repeal the
6 original section.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-3401, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 81-3401 Sections 81-3401 to 81-3455 and section 2 of this
4 act shall be known and may be cited as the Engineers and Architects
5 Regulation Act.

6 Sec. 2. (1) An architect or professional engineer
7 licensed under the Engineers and Architects Regulation Act who
8 voluntarily and without compensation, other than expense
9 reimbursement, provides architectural, structural, electrical,
10 mechanical, or other design professional services related to a
11 declared national, state, or local emergency caused by a natural
12 disaster, terrorist attack, or other similar disaster or catastrophic
13 event, at the request of or with the approval of a national, state,
14 or local public official, law enforcement official, public safety
15 official, or building inspection official believed by the architect
16 or professional engineer to be acting in an official capacity, shall
17 not be liable for any personal injury, wrongful death, property
18 damage, or other loss of any nature related to the architect's or
19 professional engineer's acts, errors, or omissions in the performance
20 of any architectural or engineering services for any structure,
21 building, facility, project, utility, equipment, machine, process,
22 pipng, or other system, either publicly or privately owned.

23 (2) The immunity provided in this section shall apply
24 only to a voluntary architectural or engineering service that occurs
25 during the emergency or within ninety days following the date of the

1 emergency.

2 (3) Nothing in this section shall provide immunity for
3 willful, wanton, reckless, or intentional misconduct.

4 (4) For purposes of this section:

5 (a) Building inspection official means any appointed or
6 elected federal, state, or local official with executive
7 responsibility to coordinate building inspection in the jurisdiction
8 in which the emergency or event has occurred;

9 (b) Law enforcement official means any appointed or
10 elected federal, state, or local official with executive
11 responsibility to coordinate law enforcement in the jurisdiction in
12 which the emergency or event has occurred;

13 (c) Public official means any federal, state, or locally
14 elected official with executive responsibility in the jurisdiction in
15 which the emergency or event has occurred; and

16 (d) Public safety official means any appointed or elected
17 federal, state, or local official with executive responsibility to
18 coordinate public safety in the jurisdiction in which the emergency
19 or event has occurred.

20 Sec. 3. Original section 81-3401, Revised Statutes
21 Cumulative Supplement, 2012, is repealed.