

# AN ACT

To enact section 2305.2310 of the Revised Code to provide civil immunity for architects, contractors, engineers, surveyors, and tradespersons providing volunteer services during a declared emergency.

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

**SECTION 1.** That section 2305.2310 of the Revised Code be enacted to read as follows:

**Sec. 2305.2310.** (A) A volunteer who is an architect, contractor, engineer, surveyor, or tradesperson shall not be liable in damages in a civil action for any injury, loss to person or property, or wrongful death related to the volunteer's acts, errors, or omissions in the performance of any professional services or construction services for any structure, building, piping, or other engineered system, either publicly or privately owned.

(B)(1) The immunity provided in this section shall only apply to professional services or construction services provided during a declared emergency and to professional services or construction services provided not more than ninety days after the end of the period of the declared emergency.

(2) If the governor, under the governor's emergency executive powers, extends the period of declared emergency, the immunity provided under this section shall apply to services provided not more than ninety days after the end of the extended period of emergency.

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

(D) As used in this section:

(1) "Architect" means an individual who is certified as an architect under Chapter 4703. of the Revised Code.

(2) "Building inspection official" means any appointed or elected federal, state, or local official with overall executive responsibility for coordinating building inspections in the jurisdiction in which a declared emergency has occurred.

(3) "Construction services" includes any construction, improvement, renovation, repair, or maintenance performed by a contractor or tradesperson. "Construction services" does not include services provided by an individual who is not qualified to provide such services.

(4) "Contractor" has the same meaning as in section 4740.01 of the Revised Code.

(5) "Engineer" means an individual registered as a professional engineer under Chapter 4733. of the Revised Code.

(6) "Law enforcement official" means an appointed or elected federal, state, or local official responsible for coordinating law enforcement in the jurisdiction in which a declared emergency has occurred.

(7) "Professional services" means architectural, engineering, or surveying services provided

by an architect, engineer, or surveyor, respectively. "Professional services" does not include services provided by an individual who is not qualified to provide such services.

(8) "Public official" means any elected federal, state, or local official with overall executive responsibility in the jurisdiction in which a declared emergency has occurred.

(9) "Public safety official" means any appointed or elected official with overall executive responsibility to coordinate public safety in the jurisdiction in which a declared emergency has occurred.

(10) "Surveyor" means an individual who is registered as a professional surveyor under Chapter 4733. of the Revised Code.

(11) "Tradesperson" has the same meaning as in section 4740.01 of the Revised Code.

(12) "Volunteer" means an individual to whom all of the following applies:

(a) The individual is acting at the request of, or with the approval of, a national, state, or local public official, law enforcement official, public safety official, or building inspection official acting in an official capacity;

(b) The individual provides professional services or construction services in relation to a declared national, state, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or other catastrophic event;

(c) The individual provides those services voluntarily, without compensation, and without a written contract in relation to the emergency.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_