

REFERENCE TITLE: architects and engineers; liability; immunity

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2075

Introduced by
Representative Nelson

AN ACT

AMENDING TITLE 12, CHAPTER 6, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-717; RELATING TO CIVIL LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 6, article 12, Arizona Revised Statutes,
3 is amended by adding section 12-717, to read:

4 12-717. Architects and engineers; emergency services; exemption
5 from civil liability; definitions

6 A. AN ARCHITECT OR ENGINEER IS NOT LIABLE FOR ANY PERSONAL INJURY,
7 WRONGFUL DEATH, PROPERTY DAMAGE OR OTHER LOSS OF ANY NATURE THAT IS RELATED
8 TO THE ARCHITECT'S OR ENGINEER'S ACTS, ERRORS OR OMISSIONS IN THE PERFORMANCE
9 OF ANY ARCHITECTURAL OR ENGINEERING SERVICES FOR ANY PUBLICLY OR PRIVATELY
10 OWNED STRUCTURE, BUILDING, FACILITY, PROJECT UTILITY, EQUIPMENT, MACHINE,
11 PROCESS, PIPING OR OTHER SYSTEM IF BOTH OF THE FOLLOWING APPLY:

12 1. THE ARCHITECT OR ENGINEER VOLUNTARILY PROVIDES ARCHITECTURAL,
13 STRUCTURAL, ELECTRICAL, MECHANICAL OR OTHER DESIGN PROFESSIONAL SERVICES
14 WITHOUT COMPENSATION OR THE EXPECTATION OF COMPENSATION AND THE SERVICES
15 RELATE TO A DECLARED NATIONAL, STATE OR LOCAL EMERGENCY.

16 2. THE SERVICES ARE PROVIDED AT THE REQUEST OF OR WITH THE APPROVAL OF
17 A PUBLIC OFFICIAL, LAW ENFORCEMENT OFFICIAL, PUBLIC SAFETY OFFICIAL OR
18 BUILDING INSPECTION OFFICIAL WHO THE ARCHITECT OR ENGINEER BELIEVES IS ACTING
19 IN AN OFFICIAL CAPACITY.

20 B. THIS SECTION APPLIES ONLY TO VOLUNTARY ARCHITECTURAL OR ENGINEERING
21 SERVICES THAT OCCUR DURING THE EMERGENCY OR WITHIN NINETY DAYS FOLLOWING THE
22 END OF THE PERIOD OF THE EMERGENCY, UNLESS THE GOVERNOR EXTENDS THE EMERGENCY
23 PERIOD.

24 C. THIS SECTION DOES NOT PROVIDE IMMUNITY FOR WANTON, WILFUL OR
25 INTENTIONAL MISCONDUCT.

26 D. FOR THE PURPOSES OF THIS SECTION:

27 1. "ARCHITECT" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-101.

28 2. "BUILDING INSPECTION OFFICIAL" MEANS ANY ELECTED OR APPOINTED
29 FEDERAL, STATE OR LOCAL OFFICIAL WITH EXECUTIVE RESPONSIBILITY TO COORDINATE
30 BUILDING INSPECTION IN THE JURISDICTION IN WHICH THE EMERGENCY OCCURRED.

31 3. "EMERGENCY" MEANS AN EMERGENCY CAUSED BY AN EARTHQUAKE, HURRICANE,
32 TORNADO, FIRE, EXPLOSION, COLLAPSE OR OTHER SIMILAR DISASTER OR CATASTROPHIC
33 EVENT.

34 4. "ENGINEER" HAS THE SAME MEANING PRESCRIBED IN SECTION 32-101.

35 5. "LAW ENFORCEMENT OFFICIAL" MEANS ANY ELECTED OR APPOINTED FEDERAL,
36 STATE OR LOCAL OFFICIAL WITH EXECUTIVE RESPONSIBILITY TO COORDINATE LAW
37 ENFORCEMENT IN THE JURISDICTION IN WHICH THE EMERGENCY OCCURRED.

38 6. "PUBLIC OFFICIAL" MEANS ANY ELECTED FEDERAL, STATE OR LOCAL
39 OFFICIAL WITH EXECUTIVE RESPONSIBILITY IN THE JURISDICTION IN WHICH THE
40 EMERGENCY OCCURRED.

41 7. "PUBLIC SAFETY OFFICIAL" MEANS ANY ELECTED OR APPOINTED FEDERAL,
42 STATE OR LOCAL OFFICIAL WITH EXECUTIVE RESPONSIBILITY TO COORDINATE PUBLIC
43 SAFETY IN THE JURISDICTION IN WHICH THE EMERGENCY OCCURRED.