

SB 209 – AS AMENDED BY THE SENATE

03/06/14 0712s

2014 SESSION

14-2611
01/04

SENATE BILL **209**

AN ACT expanding the good samaritan law to engineers and architects.

SPONSORS: Sen. Gilmour, Dist 12; Sen. Forrester, Dist 2; Sen. Fuller Clark, Dist 21; Sen. Watters, Dist 4; Rep. Hackel, Hills 29; Rep. Berch, Ches 1; Rep. G. Hopper, Hills 2

COMMITTEE: Judiciary

ANALYSIS

This bill grants civil immunity to licensed engineers and architects rendering assistance in an emergency in the absence of gross negligence or willful misconduct.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT expanding the good samaritan law to engineers and architects.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Liability Limited; Licensed Engineers and Architects. Amend RSA 508 by
2 inserting after section 12-b the following new section:

3 508:12-c Liability Limited; Licensed Engineers and Architects.

4 I. Any engineer or engineering firm, or architect or architectural firm licensed pursuant to
5 RSA 310-A who, in good faith, voluntarily and without charge or compensation, acting under the
6 direction of the director of the division of homeland security and emergency management, the state
7 fire marshal, or a town or city emergency management director who is managing a natural or
8 human-caused disaster or other life-threatening emergency, provides rescue, relief, professional
9 advice or assistance in connection with such disaster or emergency, shall not be liable for any civil
10 damages alleged to have been caused by acts or omissions of such licensed professional or firm in
11 providing the requested assistance, subject to the following conditions:

12 (a) The service rendered applies to the practice of engineering or architecture and
13 concerns any building, structure, or system, whether publicly or privately owned, that is involved in
14 or affected by the disaster or emergency;

15 (b) The service rendered relates to the structural integrity of the entire building or
16 system or any portion thereof, or to a nonstructural element of the structure or system, affecting
17 public safety; and

18 (c) The service is rendered during the time in which the emergency exists.

19 II. The immunity granted under this section shall not apply to acts or omissions constituting
20 gross negligence, or wanton or willful misconduct.

21 2 Effective Date. This act shall take effect upon its passage.