



Ohio Legislative Service Commission

Final Analysis

Jeff Hobday

H.B. 17

131st General Assembly
(As Passed by the General Assembly)

Reps. Blessing and Landis, Brenner, Grossman, Conditt, Becker, Maag, Romanchuk, Roegner, Amstutz, Thompson, Dever, Young, Anielski, Baker, Boose, Brown, Buchy, Burkley, Derickson, DeVitis, Dovilla, Duffey, Ginter, Green, Hackett, Hagan, Hall, Hayes, Hood, Koehler, Kraus, McClain, Pelanda, Perales, Retherford, Ruhl, Ryan, Scherer, Schuring, Sears, Terhar, Zeltwanger

Sens. Bacon, Balderson, Burke, Coley, Eklund, Gardner, Hite, Hottinger, Jordan, LaRose, Lehner, Obhof, Patton, Peterson, Seitz, Uecker, Yuko

Effective date: May 17, 2016

ACT SUMMARY

- Grants qualified immunity from civil liability to volunteer architects, contractors, engineers, surveyors, and tradespersons for acts, errors, or omissions conducted in the performance of specified services during a declared emergency and 90 days thereafter.

CONTENT AND OPERATION

The act grants qualified immunity from civil liability to a volunteer architect, contractor, engineer, surveyor, or tradesperson who provides uncompensated professional or construction services related to a declared national, state, or local emergency caused by a catastrophic event, such as a major earthquake, hurricane, tornado, fire, explosion, or collapse. Specifically, it provides that the volunteer is not liable in damages in a lawsuit for injury, loss to person or property, or wrongful death related to the volunteer's acts, errors, or omissions in the performance of professional or construction services for a publicly or privately owned structure, building, piping, or other engineered system. The immunity applies only:

(1) To professional or construction services provided during the declared emergency and up to 90 days after the end of the declared emergency. If the Governor

extends the period of emergency, the immunity also applies to services provided up to 90 days after the extension ends; and

(2) If the individual both:

- 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; and
- Provides the professional or construction services voluntarily, without compensation, and without a written contract in relation to the emergency.¹

This immunity does not apply to wanton, willful, or intentional misconduct.²

For purposes of the immunity:³

Architect means an individual who is certified as an architect under the Architects Law.

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.

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

Contractor means an individual or company that has responsibility for an aspect of a project, and either performs the work on that aspect or employs tradespersons to perform that work.

Engineer means an individual registered as a professional engineer under the Professional Engineers and Professional Surveyors Law.

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.

¹ R.C. 2305.2310(A), (B), and (D)(12).

² R.C. 2305.2310(C).

³ R.C. 2305.2310(D).



Professional services means architectural, engineering, or surveying services provided by an architect, engineer, or surveyor, respectively. The term does not include services provided by an individual who is not qualified to provide those services.

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

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.

Surveyor means an individual who is registered as a professional surveyor under the Professional Engineers and Professional Surveyors Law.

Tradesperson means any individual who is employed by a contractor and who engages in specified work on buildings or structures without assuming responsibility for that work.

HISTORY

ACTION	DATE
Introduced	01-28-15
Reported, H. Commerce & Labor	02-18-15
Passed House (96-0)	02-25-15
Reported, S. Civil Justice	12-09-15
Passed Senate (31-1)	01-20-16

16-HB17-131.docx/ks

