

## **NSPE Position Statement No. 10-1765—Good Samaritan Laws**

**Adopted: 2009**

**Latest Revision: September 2019**

**Sunset Date: September 2022**

**NSPE Contact: Committee on Policy and Advocacy**

**Professional Policy Supported: 10-Professional Practice**

**Position Statement:** It is the position of the National Society of Professional Engineers (NSPE) that professional engineers (obligated under the Code of Ethics to dedicate their service to the public health, safety, and welfare) who voluntarily assist their communities, states, and the nation in times of crisis when requested by the appropriate public official, be protected from liability exposure when performing such voluntary duties.

It is the further position of NSPE that its state societies be urged to advocate the enactment of state laws which provide immunity from liability for any personal injury, wrongful death, property damage, or other loss caused by a professional engineer's acts, errors, or omissions in the performance of voluntary engineering services in times of crisis. Furthermore, NSPE urges the states to use the model outlined below as a resource in supporting such legislation at the state level.

### **Background:**

In times of natural disasters or other catastrophic events, engineering expertise and skills are often needed to provide structural, mechanical, electrical, or other engineering services and may be needed to determine the integrity of structures, buildings, piping, or other engineered systems.

### **Model Good Samaritan Act**

1. As used in this Section
  - a. "Professional Engineer" shall mean a person duly licensed under the state engineering licensure law as a professional engineer;
  - b. "Public Official" means any federal, state, or locally elected official with overall executive responsibility in the jurisdiction in which the emergency or event has occurred;

c. “Public Safety Official” means any appointed or elected federal, state, or local official with overall executive responsibility to coordinate public safety in the jurisdiction in which the emergency or event has occurred;

d. “Law Enforcement Official” means any appointed or elected federal, state, or local official with overall executive responsibility to coordinate law enforcement in the jurisdiction in which the emergency or event has occurred;

e. “Building Inspection Official” means any appointed or elected federal, state, or local official with overall executive responsibility to coordinate building inspection in the jurisdiction in which the emergency or event has occurred.

2. A professional engineer who voluntarily, without compensation, provides structural, electrical, mechanical, or other engineering services related to a declared national, state, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or other similar disaster or catastrophic event 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 shall not be liable for any personal injury, wrongful death, property damage, or other loss related to the professional engineer’s acts, errors, or omissions in the performance of any engineering services for any structure, building, piping, or other engineered system, either publicly or privately owned.

a. The immunity provided in this Section shall apply only to a voluntary engineering service(s) that occurs during the emergency or within 90 days following the end of the period for an emergency, disaster, or catastrophic event, unless extended by an executive order issued by the Governor under the Governor’s emergency executive powers.

b. Nothing in this Section shall provide immunity for wanton, willful, or intentional misconduct.