

SENATE BILL No. 393

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2; IC 34-30-27.

Synopsis: Civil immunity for services in emergency. Provides civil immunity to a registered architect or professional engineer who provides professional services without compensation related to a declared emergency.

Effective: Upon passage.

Merritt

January 9, 2012, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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SENATE BILL No. 393



A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-6-2-16.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 16.5. "Building inspection official", for**
4 **purposes of IC 34-30-27, means any appointed or elected federal,**
5 **state, or local official with executive responsibility to coordinate**
6 **building inspections in the jurisdiction in which an emergency or**
7 **event has occurred.**

8 SECTION 2. IC 34-6-2-73.4 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: **Sec. 73.4. "Law enforcement official", for**
11 **purposes of IC 34-30-27, means any appointed or elected federal,**
12 **state, or local official with executive responsibility to coordinate**
13 **law enforcement in the jurisdiction in which an emergency or event**
14 **has occurred.**

15 SECTION 3. IC 34-6-2-115.7 IS ADDED TO THE INDIANA
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
17 [EFFECTIVE UPON PASSAGE]: **Sec. 115.7. "Professional**



1 **engineer", for purposes of IC 34-30-27, means a person registered**
 2 **under IC 25-31-1 as a professional engineer.**

3 SECTION 4. IC 34-6-2-124.3 IS ADDED TO THE INDIANA
 4 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 5 **[EFFECTIVE UPON PASSAGE]: Sec. 124.3. "Public official", for**
 6 **purposes of IC 34-30-27, means any federal, state, or locally elected**
 7 **official with executive responsibility in the jurisdiction in which an**
 8 **emergency or event has occurred.**

9 SECTION 5. IC 34-6-2-125.5 IS ADDED TO THE INDIANA
 10 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 11 **[EFFECTIVE UPON PASSAGE]: Sec. 125.5. "Public safety official",**
 12 **for purposes of IC 34-30-27, means any appointed or elected**
 13 **federal, state, or local official with executive responsibility to**
 14 **coordinate public safety in the jurisdiction in which an emergency**
 15 **or event has occurred.**

16 SECTION 6. IC 34-6-2-129.5 IS ADDED TO THE INDIANA
 17 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 18 **[EFFECTIVE UPON PASSAGE]: Sec. 129.5. "Registered architect",**
 19 **for purposes of IC 34-30-27, means a person registered under**
 20 **IC 25-4-1 as a registered architect.**

21 SECTION 7. IC 34-6-2-142.4 IS ADDED TO THE INDIANA
 22 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 23 **[EFFECTIVE UPON PASSAGE]: Sec. 142.4. "System", for purposes**
 24 **of IC 34-30-27, refers to any publicly or privately owned:**

- 25 (1) **structure;**
- 26 (2) **building;**
- 27 (3) **facility;**
- 28 (4) **project utility;**
- 29 (5) **equipment;**
- 30 (6) **machine;**
- 31 (7) **process;**
- 32 (8) **pipng; or**
- 33 (9) **other system.**

34 SECTION 8. IC 34-30-27 IS ADDED TO THE INDIANA CODE
 35 AS A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
 36 **UPON PASSAGE]:**

37 **Chapter 27. Volunteer Professional Services of a Registered**
 38 **Architect or Professional Engineer Related to a Declared**
 39 **Emergency**

40 **Sec. 1. A registered architect or professional engineer who, after**
 41 **March 31, 2012, voluntarily, without compensation (other than**
 42 **expense reimbursement), provides architectural, structural,**

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1 **electrical, mechanical, or other design professional services:**
2 **(1) related to a declared national, state, or local emergency**
3 **caused by an earthquake, hurricane, tornado, fire, explosion,**
4 **collapse, or other similar disaster or catastrophic event; and**
5 **(2) at the request of or with the approval of a national, state,**
6 **or local public official, law enforcement official, public safety**
7 **official, or building inspection official believed by the**
8 **registered architect or professional engineer to be acting in an**
9 **official capacity;**
10 **is not be liable for any personal injury, wrongful death, property**
11 **damage, or other loss of any nature related to the registered**
12 **architect's or professional engineer's acts, errors, or omissions in**
13 **the performance of any architectural or engineering services for**
14 **any system.**
15 **Sec. 2. The immunity provided in this chapter applies only to a**
16 **voluntary architectural or engineering service that occurs during**
17 **the emergency or not more than ninety (90) days after the end of**
18 **the period for an emergency, disaster, or catastrophic event, unless**
19 **extended by an executive order issued by the governor under the**
20 **governor's emergency executive powers.**
21 **Sec. 3. This chapter does not provide immunity for wanton,**
22 **willful, or intentional misconduct.**
23 **SECTION 9. An emergency is declared for this act.**

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