

SENATE BILL REPORT

ESB 5768

AS PASSED SENATE, MARCH 15, 1993

Brief Description: Providing for inspection services at an emergency scene upon the request of a public official.

SPONSORS: Senators Haugen, Oke, Loveland, Nelson, Owen, Cantu and Moyer

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Hargrove, McCaslin, Nelson, Niemi, Roach, and Spanel.

Staff: Alan Caplan (786-7465)

Hearing Dates: March 3, 1993

HOUSE COMMITTEE ON STATE GOVERNMENT

BACKGROUND:

It has been reported that, during the aftermaths of earthquakes, architects and engineers have assisted governmental authorities by inspecting damaged structures free of charge. Although Washington law grants limited immunity to certain emergency workers, such protection arguably does not extend to all "good samaritan" architects and engineers.

It has been suggested that architects and engineers who perform inspections during times of emergency should be protected against civil liability, except where their acts or omissions constitute gross negligence or willful misconduct. Such immunity, it is argued, would encourage design professionals to volunteer their services.

SUMMARY:

Washington's emergency management laws are amended to clarify that (a) registered architects and professional engineers can serve as "emergency workers" and therefore are shielded from certain civil liabilities arising in connection with their emergency service; and (b) emergency workers in some cases are not liable for economic losses that result from damage to, or destruction or condemnation of, real property.

Appropriation: none

Revenue: none

Fiscal Note: none requested

Effective Date: The bill contains an emergency clause and takes effect immediately.

TESTIMONY FOR:

Governments rely on volunteers to inspect buildings after an emergency. This bill will ensure that sufficient numbers of architects and engineers will be willing to volunteer their professional services.

TESTIMONY AGAINST:

This bill is very broad and contains some technical problems. However, it would be possible to amend the bill to address the concerns of all interested parties.

TESTIFIED: Nancee Wildermuth, Architects & Engineers Legislative Council; Bill Lokey, Pierce County Emergency Management; James Carpenter, Structural Engineers Assn. of Washington; Dennis Martin, Washington State Trial Lawyers Assn.; Linda Noson, Structural Engineers Assn. of Washington; John Schenk, Building Owners & Managers Assn.

HOUSE AMENDMENT(S):

Architects and engineers, like other persons, must register with governmental authorities to become emergency workers. Architects and engineers potentially will be exempt from liability for "all damages" arising from their actions as emergency workers.