



Ohio Legislative Service Commission

Bill Analysis

Amy J. Rinehart

Am. H.B. 379

130th General Assembly

(As Reported by H. Commerce, Labor, and Technology)

Reps. Blessing and Landis, J. Adams, Becker, Butler, Grossman, Hackett, Scherer, Sprague, Young, Conditt, DeVitis

BILL SUMMARY

- Grants qualified immunity from civil liability to a volunteer who is an architect, contractor, engineer, surveyor, or tradesperson for any acts, errors, or omissions conducted in the performance of professional services or construction services for a structure, building, piping, or other engineered system during a declared emergency and 90 days thereafter.
- Provides that if the Governor extends the period of declared emergency, the immunity applies to services provided not more than 90 days after the end of the extended period.

CONTENT AND OPERATION

Immunity for volunteer professional services provided during a declared emergency

The bill provides that a volunteer who is an architect, contractor, engineer, surveyor, or tradesperson is not liable in damages in a lawsuit for any injury, loss to person or property, or wrongful death related to the volunteer's acts, errors, or omissions in the performance of professional services or construction services for a publicly or privately owned structure, building, piping, or other engineered system.¹ Under the bill, a "volunteer" is an individual who, 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, voluntarily, without compensation, provides professional services or construction services without a

¹ R.C. 2305.2310(A).

written contract in relation to a declared national, state, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or other catastrophic event.²

This immunity does not apply to wanton, willful, or intentional misconduct. Also, this immunity only applies to professional services or construction services provided during a declared emergency and to professional services or construction services provided not more than 90 days after the end of the period of declared emergency. If the Governor extends the period of declared emergency, the immunity applies to services provided not more than 90 days after the end of the extended period.³

For purposes of the immunity, the bill defines the following terms:

--"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 any individual or business entity that satisfies both of the following:

(1) Directs, supervises, or has responsibility for the means, method, and manner of construction, improvement, renovation, repair, or maintenance on a construction project with respect to one or more trades and who offers, identifies, advertises, or otherwise holds out or represents that the individual or business entity is permitted or qualified to perform, direct, supervise, or have responsibility for the means, method, and manner of construction, improvement, renovation, repair, or maintenance with respect to one or more trades on a construction project;

(2) Performs or otherwise supervises or directs tradespersons who perform construction, improvement, renovation, repair, or maintenance on a construction project with respect to the contractor's trades.

² R.C. 2305.2310(D)(12).

³ R.C. 2305.2310(B) and (C).



--"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.

--"Professional services" means architectural, engineering, or surveying services provided by an architect, engineer, or surveyor, respectively, but 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 supervised or directed by a contractor or who is otherwise employed by a contractor and who engages in construction, improvement, renovation, repair, or maintenance of buildings or structures without assuming responsibility for the means, method, or manner of that construction, improvement, renovation, repair, or maintenance.⁴

HISTORY

ACTION	DATE
Introduced	12-10-13
Reported, H. Commerce, Labor & Technology	03-12-14

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⁴ R.C. 2305.2310(D) by reference to R.C. 4740.01, not in the bill.

