

As Reported by the Senate Civil Justice Committee

131st General Assembly

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H. B. No. 17

Representatives Blessing, Landis

Cosponsors: Representatives 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

Senator Bacon

A BILL

To enact section 2305.2310 of the Revised Code to 1
provide civil immunity for architects, 2
contractors, engineers, surveyors, and 3
tradespersons providing volunteer services 4
during a declared emergency. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2305.2310 of the Revised Code be 6
enacted to read as follows: 7

Sec. 2305.2310. (A) A volunteer who is an architect, 8
contractor, engineer, surveyor, or tradesperson shall not be 9
liable in damages in a civil action for any injury, loss to 10
person or property, or wrongful death related to the volunteer's 11
acts, errors, or omissions in the performance of any 12
professional services or construction services for any 13
structure, building, piping, or other engineered system, either 14

publicly or privately owned. 15

(B) (1) The immunity provided in this section shall only 16
apply to professional services or construction services provided 17
during a declared emergency and to professional services or 18
construction services provided not more than ninety days after 19
the end of the period of the declared emergency. 20

(2) If the governor, under the governor's emergency 21
executive powers, extends the period of declared emergency, the 22
immunity provided under this section shall apply to services 23
provided not more than ninety days after the end of the extended 24
period of emergency. 25

(C) Nothing in this section shall provide immunity for 26
wanton, willful, or intentional misconduct. 27

(D) As used in this section: 28

(1) "Architect" means an individual who is certified as an 29
architect under Chapter 4703. of the Revised Code. 30

(2) "Building inspection official" means any appointed or 31
elected federal, state, or local official with overall executive 32
responsibility for coordinating building inspections in the 33
jurisdiction in which a declared emergency has occurred. 34

(3) "Construction services" includes any construction, 35
improvement, renovation, repair, or maintenance performed by a 36
contractor or tradesperson. "Construction services" does not 37
include services provided by an individual who is not qualified 38
to provide such services. 39

(4) "Contractor" has the same meaning as in section 40
4740.01 of the Revised Code. 41

(5) "Engineer" means an individual registered as a 42

professional engineer under Chapter 4733. of the Revised Code. 43

(6) "Law enforcement official" means an appointed or 44
elected federal, state, or local official responsible for 45
coordinating law enforcement in the jurisdiction in which a 46
declared emergency has occurred. 47

(7) "Professional services" means architectural, 48
engineering, or surveying services provided by an architect, 49
engineer, or surveyor, respectively. "Professional services" 50
does not include services provided by an individual who is not 51
qualified to provide such services. 52

(8) "Public official" means any elected federal, state, or 53
local official with overall executive responsibility in the 54
jurisdiction in which a declared emergency has occurred. 55

(9) "Public safety official" means any appointed or 56
elected official with overall executive responsibility to 57
coordinate public safety in the jurisdiction in which a declared 58
emergency has occurred. 59

(10) "Surveyor" means an individual who is registered as a 60
professional surveyor under Chapter 4733. of the Revised Code. 61

(11) "Tradesperson" has the same meaning as in section 62
4740.01 of the Revised Code. 63

(12) "Volunteer" means an individual to whom all of the 64
following applies: 65

(a) The individual is acting at the request of, or with 66
the approval of, a national, state, or local public official, 67
law enforcement official, public safety official, or building 68
inspection official acting in an official capacity; 69

(b) The individual provides professional services or 70

<u>construction services in relation to a declared national, state,</u>	71
<u>or local emergency caused by a major earthquake, hurricane,</u>	72
<u>tornado, fire, explosion, collapse, or other catastrophic event;</u>	73
<u>(c) The individual provides those services voluntarily,</u>	74
<u>without compensation, and without a written contract in relation</u>	75
<u>to the emergency.</u>	76