

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 444

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO PARTIES TO ACTIONS; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY  
2 THE ADDITION OF A NEW SECTION 5-345, IDAHO CODE, TO PROVIDE CIVIL IMMUN-  
3 NITY FOR ARCHITECTS AND ENGINEERS IN CERTAIN INSTANCES AND TO PROVIDE  
4 APPLICABILITY.  
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 3, Title 5, Idaho Code, be, and the same is  
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
9 ignated as Section 5-345, Idaho Code, and to read as follows:

10 5-345. IMMUNITY OF ARCHITECTS AND ENGINEERS FOR AID DURING AN EMER-  
11 GENCY. (1) No architect or engineer may be held liable for personal injury,  
12 wrongful death, property damage, or other loss related to any architectural,  
13 structural, electrical, mechanical, or other professional design service  
14 provided by the architect or engineer, voluntarily or without compensation,  
15 at the request or approval of a national, state, or local public official in  
16 response to a declared national, state, or local emergency caused by a tor-  
17 nado, fire, explosion, collapse, or other similar disaster or catastrophic  
18 event. The provisions of this subsection shall apply to services rendered  
19 within ninety (90) days following the end of the declared emergency, disas-  
20 ter, or catastrophic event unless extended by executive order of the gover-  
21 nor.

22 (2) Limited liability under this section shall not apply if the injury,  
23 death, or damage is the result of unreasonable acts, gross negligence, or  
24 willful or wanton misconduct or if the architect or engineer did not act as  
25 a reasonable architect or engineer would have under the same or similar cir-  
26 cumstances.