

Liability: Architect or Engineer

N.D. Cent. Code, 32-03-47

When an emergency declaration is in effect, an architect or engineer, who, voluntarily and without compensation, provides architectural, structural, electrical, mechanical, or other engineering services at the request of a public official, will not be held legally responsible for injury, death, or damage to property. They can be held legally responsible if acting with extreme carelessness or intent to cause harm. This section is limited to up to 90 days after the declaration.

Definitions ? Voluntary engineering services ? Immunity

1. As used in this section:

a. ?Architect? means a person registered under chapter 43-03 as an architect.

b. ?Building inspection official? means any appointed or elected federal, state, or local official with overall executive responsibility to coordinate building inspection in the jurisdiction in which the emergency or event has occurred.

c. ?Law enforcement official? means any appointed or elected federal, state, or local official with overall executive responsibility to coordinate law enforcement in the jurisdiction in which the emergency or event has occurred.

d. ?Professional engineer? means a person licensed under chapter 43-19.1 as a professional engineer.

e. ?Public official? means any federal, state, or locally elected official with overall executive responsibility in the jurisdiction in which the emergency or event has occurred.

f. ?Public safety official? means any appointed or elected federal, state, or local official with overall executive responsibility to coordinate public safety in the jurisdiction in which the emergency or event has occurred.

2. An architect or a professional engineer who voluntarily, without compensation, provides architectural or structural, electrical, mechanical, or other engineering services at the scene of a declared national, state, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or other similar disaster or catastrophic event at the request of a national, state, or local public official, law enforcement official, public safety official, or building inspection official acting in an official capacity, is not liable for any personal injury, wrongful death, property damage, or other loss caused by the architect's or professional engineer's acts, errors, or omissions in the performance of any engineering services for any structure, building, piping, or other engineered system, either publicly or privately owned.

3. The immunity provided in this section applies only to a voluntary engineering service that occurs within ninety days of the emergency, disaster, or catastrophic event, unless extended by the governor under chapter 37-17.1.

4. Nothing in this section provides immunity for wanton, willful, or intentional misconduct.