

Liability: Architect and Engineer Inspecting Earthquake Damage

Utah Code Ann. 78B-4-506

When an emergency declaration is in effect, a licensed architect or engineer who, in good faith, without compensation, and on official request, inspects structures 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 within 30 days of a major earthquake.

Limited immunity for architects and engineers inspecting earthquake damage

(1) A professional engineer licensed under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act, or an architect licensed under Title 58, Chapter 3a, Architects Licensing Act, who provides structural inspection services at the scene of a declared national, state, or local emergency caused by a major earthquake is not liable for any personal injury, wrongful death, or property damage caused by the good faith inspection for structural integrity or nonstructural elements affecting health and safety of a structure used for human habitation or owned by a public entity if the inspection is performed:

- (a) voluntarily, without compensation or the expectation of compensation;
- (b) at the request of a public official or city or county building inspector acting in an official capacity; and
- (c) within 30 days of the earthquake.

(2) The immunity provided for in Subsection (1) does not apply to gross negligence or willful misconduct.