**South Carolina General Assembly**

119th Session, 2011-2012

**A280, R314, S1137**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Shoopman

Document Path: l:\council\bills\dka\3907sd12.docx

Companion/Similar bill(s): 4745

Introduced in the Senate on January 24, 2012

Introduced in the House on April 25, 2012

Last Amended on June 19, 2012

Passed by the General Assembly on June 19, 2012

Governor's Action: June 26, 2012, Signed

Summary: Architects and Engineers Volunteer Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/24/2012 Senate Introduced and read first time ([Senate Journal‑page 9](file:///h:\sj%20archive\2012\01-24-12.docx))

1/24/2012 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 9](file:///h:\sj%20archive\2012\01-24-12.docx))

3/21/2012 Senate Committee report: Favorable with amendment **Labor, Commerce and Industry** ([Senate Journal‑page 15](file:///h:\sj%20archive\2012\03-21-12.docx))

4/19/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 24](file:///h:\sj%20archive\2012\04-19-12.docx))

4/19/2012 Senate Read second time ([Senate Journal‑page 24](file:///h:\sj%20archive\2012\04-19-12.docx))

4/19/2012 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 24](file:///h:\sj%20archive\2012\04-19-12.docx))

4/20/2012 Scrivener's error corrected

4/24/2012 Senate Read third time and sent to House ([Senate Journal‑page 18](file:///h:\sj%20archive\2012\04-24-12.docx))

4/25/2012 House Introduced and read first time ([House Journal‑page 4](file:///h:\hj%20archive\2012\04-25-12.docx))

4/25/2012 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 4](file:///h:\hj%20archive\2012\04-25-12.docx))

5/24/2012 House Committee report: Favorable with amendment **Labor, Commerce and Industry** ([House Journal‑page 3](file:///h:\hj%20archive\2012\05-24-12.docx))

5/30/2012 House Amended ([House Journal‑page 60](file:///h:\hj%20archive\2012\05-30-12.docx))

5/30/2012 House Read second time ([House Journal‑page 60](file:///h:\hj%20archive\2012\05-30-12.docx))

5/30/2012 House Roll call Yeas‑110 Nays‑0 ([House Journal‑page 62](file:///h:\hj%20archive\2012\05-30-12.docx))

5/31/2012 House Read third time and returned to Senate with amendments ([House Journal‑page 22](file:///h:\hj%20archive\2012\05-31-12.docx))

6/6/2012 Senate Non‑concurrence in House amendment ([Senate Journal‑page 106](file:///h:\sj%20archive\2012\06-06-12.docx))

6/6/2012 Senate Roll call Ayes‑2 Nays‑42 ([Senate Journal‑page 106](file:///h:\sj%20archive\2012\06-06-12.docx))

6/7/2012 House House insists upon amendment and conference committee appointed Reps. Sandifer, Anderson, Bingham ([House Journal‑page 1](file:///h:\hj%20archive\2012\06-07-12.docx))

6/7/2012 Senate Conference committee appointed Reese, Bryant, and Shoopman ([Senate Journal‑page 123](file:///h:\sj%20archive\2012\06-07-12.docx))

6/19/2012 Senate Conference report adopted ([Senate Journal‑page 111](file:///h:\sj%20archive\2012\06-19-12.docx))

6/19/2012 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 111](file:///h:\sj%20archive\2012\06-19-12.docx))

6/19/2012 House Conference report received and adopted ([House Journal‑page 45](file:///h:\hj%20archive\2012\06-19-12.docx))

6/19/2012 House Roll call Yeas‑101 Nays‑0 ([House Journal‑page 47](file:///h:\hj%20archive\2012\06-19-12.docx))

6/19/2012 Senate Ordered enrolled for ratification ([Senate Journal‑page 83](file:///h:\sj%20archive\2012\06-19-12.docx))

6/22/2012 Ratified R 314

6/26/2012 Signed By Governor

7/17/2012 Effective date 06/26/12

7/17/2012 Act No. 280

**VERSIONS OF THIS BILL**

[1/24/2012](file:///p:\pprever\2011-12\1137_20120124.docx)

[3/21/2012](file:///p:\pprever\2011-12\1137_20120321.docx)

[4/19/2012](file:///p:\pprever\2011-12\1137_20120419.docx)

[4/20/2012](file:///p:\pprever\2011-12\1137_20120420.docx)

[5/24/2012](file:///p:\pprever\2011-12\1137_20120524.docx)

[5/30/2012](file:///p:\pprever\2011-12\1137_20120530.docx)

[6/19/2012](file:///p:\pprever\2011-12\1137_20120619.docx)

(A280, R314, S1137)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 40‑3‑325 AND 40‑22‑295 SO AS TO ENACT THE “ARCHITECTS’ AND ENGINEERS’ VOLUNTEER ACT” WHICH PROVIDES SPECIFIED IMMUNITY FOR A REGISTERED ARCHITECT OR ENGINEER WHO PROVIDES CERTAIN VOLUNTARY ARCHITECTURAL OR ENGINEERING SERVICES AT THE SCENE OF A DECLARED STATE OR NATIONAL EMERGENCY AT THE REQUEST OF THE GOVERNOR, TO PROVIDE EXCEPTIONS TO THIS IMMUNITY, AND TO PROVIDE THE CONDITIONS AND CIRCUMSTANCES UNDER WHICH THIS GRANT OF IMMUNITY IS APPLICABLE.**

Be it enacted by the General Assembly of the State of South Carolina:

**Citation**

SECTION 1. This act may be cited as the “Architects’ and Engineers’ Volunteer Act”.

**Architect immunity**

SECTION 2. Chapter 3, Title 40 of the 1976 Code is amended by adding:

“Section 40‑3‑325. A licensed architect under the provisions of this chapter is immune from liability for volunteer architectural services provided during an emergency in the same manner as a licensed engineer is immune for volunteer engineering services as provided in Section 40‑22‑295. This section does not provide immunity from liability for persons merely registered in this State pursuant to Section 40‑3‑260.”

**Engineer immunity**

SECTION 3. Chapter 22, Title 40 of the 1976 Code is amended by adding:

“Section 40‑22‑295. (A) A licensed engineer who voluntarily, without compensation, provides structural, electrical, mechanical, or other engineering services at the scene of a declared national or state emergency, at the request of the Governor, is not liable for any personal injury, wrongful death, property damage, or other loss caused by the licensed engineer’s acts, errors, or omissions in performing the engineering services for a structure, building, piping, or other engineered system, either publicly or privately owned. Immunity from liability under this section is only effective as to services rendered during the thirty days following the event that gave rise to the declared state of emergency.

(B)(1) Any licensed engineer appointed pursuant to this section must not be held liable for any civil damages as a result of the providing of requested engineering services unless the damages result from providing, or failing to provide engineering services if the consequences of the services provided are proven by a preponderance of the evidence to be the result of gross negligence or recklessness.

(2) This section applies if the engineer does not receive payment other than as allowed in Section 8‑25‑40 for the appointed services and prescribed duties. However, if the engineer is an employee of the State, the engineer may continue to receive compensation from his employer.

(C) This section does not provide immunity from liability to persons providing services pursuant to Section 40‑22‑75.”

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 22nd day of June, 2012.

Approved the 26th day of June, 2012.

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