~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 9, 2017

**S. 342**

Introduced by Senators Williams, Davis, Hembree, Campbell, J. Matthews, Setzler, Grooms, Hutto, Allen, Johnson, Nicholson, Scott, M.B. Matthews, Rankin, Sabb, Goldfinch, Alexander, Climer and Senn

S. Printed 3/9/17--S.

Read the first time February 1, 2017.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 342) to amend Section 40-22-295 of the 1976 Code, relating to engineer immunity, to provide specified immunity for certain voluntary surveying services at the scene of a declared, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 2, after line 10, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_\_. Section 40-22-280(A)(6) of the 1976 Code is amended to read:

“(6) the work or practice of a ~~full‑time, non‑temporary~~ regular employee of an electric cooperative, when rendering to the employing cooperative engineering service in connection with its facilities which are subject to regulations and inspections of the ~~Rural Electric Administration~~ Rural Utilities Service, if the person is actually and exclusively employed. Engineering work not related to the exemption in this item where the safety of the public is directly involved must be accomplished by or under the responsible charge of a professional engineer;” /

Renumber sections to conform.

Amend title to conform.

THOMAS C. ALEXANDER for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on February 1, 2017**

**State Expenditure**

This bill grants licensed surveyors the same immunity from liability that is provided to licensed engineers when voluntary services are rendered, upon request of the governor, at the scene of a declared national or state emergency. Licensed surveyors would not be liable for personal injury, wrongful death, property damage, or other losses that occur as a result of their actions or omissions while providing voluntary surveying services, unless gross negligence or recklessness is proven.

**Department of Labor, Licensing and Regulation**. This bill addresses the personal vulnerability of licensed surveyors to civil lawsuits in specified conditions, which would not operationally or fiscally impact the oversight or regulatory activities of the Department of Labor, Licensing and Regulation. Therefore, this bill would not have an expenditure impact on the general fund, federal funds, or other funds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 40-22-295 OF THE 1976 CODE, RELATING TO ENGINEER IMMUNITY, TO PROVIDE SPECIFIED IMMUNITY FOR CERTAIN VOLUNTARY SURVEYING 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:

SECTION 1. Section 40-22-295 of the 1976 Code is amended to read:

“Section 40-22-295. (A) A licensed engineer or surveyor who voluntarily, without compensation, provides structural, electrical, mechanical, or other engineering services or surveying 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~~ engineer or surveyor’s acts, errors, or omissions in performing the engineering or surveying services for a property, 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 or surveyor appointed pursuant to this section must not be held liable for any civil damages as a result of the providing of requested engineering or surveying services unless the damages result from providing, or failing to provide engineering or surveying 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 or surveyor does not receive payment other than as allowed in Section 8‑25‑40 for the appointed services and prescribed duties. However, if the engineer or surveyor is an employee of the State, the engineer or surveyor 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.”

SECTION 2. This act takes effect upon approval by the Governor.

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