

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 09-0386.01 Jerry Barry

HOUSE BILL 09-1080

HOUSE SPONSORSHIP

Marostica,

SENATE SPONSORSHIP

Williams,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING A GRANT OF QUALIFIED IMMUNITY TO BUILDING CODE**
102 **OFFICIALS RENDERING ASSISTANCE DURING A DISASTER**
103 **EMERGENCY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Grants qualified immunity from civil action to a building code official who, while acting in his or her official capacity, assists during a state of disaster emergency.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unam ended
March 6, 2009

HOUSE
3rd Reading Unam ended
February 4, 2009

HOUSE
Am ended 2nd Reading
February 3, 2009

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 13-21-108.3, Colorado Revised Statutes, is
3 amended to read:

4 **13-21-108.3. Architects, building code officials, professional**
5 **engineers, and professional land surveyors rendering assistance**
6 **during emergency or disaster - qualified immunity from civil liability.**

7 (1) An architect licensed pursuant to part 3 of article 25 of title 12,
8 C.R.S., A BUILDING CODE OFFICIAL, a professional engineer licensed
9 pursuant to part 1 of article 25 of title 12, C.R.S., or a professional land
10 surveyor licensed pursuant to part 2 of article 25 of title 12, C.R.S., who
11 voluntarily and without compensation provides architectural, DAMAGE
12 ASSESSMENT, engineering, or surveying services, respectively, at the
13 scene of an emergency shall not be liable for any personal injury,
14 wrongful death, property damage, or other loss caused by an act or
15 omission of ~~such~~ THE architect, BUILDING CODE OFFICIAL, engineer, or
16 surveyor in performing such services.

17 (2) As used in this section, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES:

19 (a) "BUILDING CODE OFFICIAL" MEANS AN INDIVIDUAL
20 MAINTAINING A BUILDING INSPECTOR, BUILDING CODE OFFICIAL, OR
21 CERTIFIED BUILDING OFFICIAL CERTIFICATION IN GOOD STANDING BY THE
22 INTERNATIONAL CODE COUNCIL OR SIMILAR ASSOCIATION OF BUILDING
23 CODE OFFICIALS.

24 (b) "Emergency" means a disaster emergency declared by
25 executive order or proclamation of the governor pursuant to section
26 24-32-2104 (4), C.R.S.

27 (3) The immunity provided in subsection (1) of this section

1 applies only to an architectural, DAMAGE ASSESSMENT, or engineering
2 service that:

3 (a) Concerns an identified building, structure, or other
4 architectural or engineering system, whether publicly or privately owned;

5 (b) Relates to the structural integrity of the building, structure, or
6 system or to a nonstructural element thereof affecting life safety; and

7 (c) Is rendered during the time in which a state of disaster
8 emergency exists, as provided in section 24-32-2104 (4), C.R.S.

9 (4) Nothing in this section shall provide immunity for gross
10 negligence or willful misconduct.

11 (5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ABROGATE
12 ANY PROVISION OF THE "COLORADO GOVERNMENTAL IMMUNITY ACT",
13 PROVIDED IN ARTICLE 10 OF TITLE 24, C.R.S.

14 **SECTION 2. Effective date - applicability.** This act shall take
15 effect upon passage and shall apply to claims arising on or after said date.

16 **SECTION 3. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.