

## CHAPTER 53

**AN ACT** concerning immunity from liability for certain professional services rendered during an emergency and supplementing Title 59 of the New Jersey Statutes.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

C.59:3-15 Immunity from liability for certain professional services under certain circumstances.

1. Notwithstanding any other provision of law to the contrary and except as provided in P.L.2014, c.53 (C.59:3-15 et seq.), an architect licensed pursuant to R.S.45:3-1 et seq. or a professional engineer licensed pursuant to P.L.1938, c.342 (C.45:8-27 et seq.) shall not be personally liable for any personal injury, wrongful death, property damage, or other loss caused by an act, error, or omission while practicing architecture or engineering, respectively, if the practice of architecture or engineering was performed:

- a. voluntarily and without compensation;
- b. at the request of a public safety official, acting in an official capacity; and
- c. at the scene of a declared national, State, or local emergency caused by a major earthquake, hurricane, tornado, fire, explosion, collapse, or similar disaster or catastrophic event, during or within 90 days following the emergency, or for any extended period as determined by executive order issued by the Governor under the Governor's emergency executive powers.

For purposes of the New Jersey Tort Claims Act, N.J.S.59:1-1 et seq., an architect or engineer entitled to immunity under this section shall be considered an employee of the public entity on whose behalf the public safety official requested that the architect or engineer perform the practice of architecture or engineering. Nothing in P.L.2014, c.53 (C.59:3-15 et seq.) shall be construed to provide such architect or engineer with any right or entitlement to workers' compensation from such public entity.

As used in this section:

"Public safety official" means any appointed or elected federal, State, or local official with executive responsibility to coordinate public safety or law enforcement in the jurisdiction in which the emergency has occurred.

"Employee" shall have the meaning ascribed to it in N.J.S.59:1-3.

C.59:3-16 Immunity protection not provided under certain circumstances.

2. An architect or professional engineer shall not be considered an employee of a public entity pursuant to N.J.S.59:1-1 et seq. and shall not have the immunity protection provided by section 1 of this act if:

- a. the architect or professional engineer, or a private entity for which the architect or engineer is employed, has any existing contract for services with the public entity, other than the State of New Jersey, whose public safety officer made the request for architectural or engineering services provided under section 1 of this act;
- b. the architect or professional engineer, or a private entity for which the architect or engineer is employed, enters into any contract for services that involve the performance of any additional architectural or engineering services related to the voluntary, uncompensated services performed for the public entity whose public safety officer made the request for architectural or engineering services provided under section 1 of this act; or
- c. the act or omission by the architect or engineer involves actual fraud, actual malice, willful misconduct or an intentional wrong.

3. This act shall take effect immediately.

Approved September 10, 2014.