

RESPONSIBILITY TO COORDINATE LAW ENFORCEMENT IN THE JURISDICTION IN WHICH AN EMERGENCY, DISASTER, OR CATASTROPHIC EVENT HAS OCCURRED.

(5) "PUBLIC OFFICIAL" MEANS ANY FEDERAL, STATE, OR LOCALLY ELECTED OFFICIAL WITH OVERALL EXECUTIVE RESPONSIBILITY IN THE JURISDICTION IN WHICH AN EMERGENCY, DISASTER, OR CATASTROPHIC EVENT HAS OCCURRED.

(6) "PUBLIC SAFETY OFFICIAL" MEANS ANY APPOINTED OR ELECTED FEDERAL, STATE, OR LOCAL OFFICIAL WITH OVERALL EXECUTIVE RESPONSIBILITY TO COORDINATE PUBLIC SAFETY IN THE JURISDICTION IN WHICH AN EMERGENCY, DISASTER, OR CATASTROPHIC EVENT HAS OCCURRED.

(B) A LICENSED ARCHITECT IS NOT PERSONALLY LIABLE IN DAMAGES BEYOND THE LIMITS OF ANY APPLICABLE INSURANCE OR SELF-INSURANCE FOR ANY PERSONAL INJURY, WRONGFUL DEATH, PROPERTY DAMAGE, OR OTHER LOSS CAUSED BY AN ACT, ERROR, OR OMISSION OF THE LICENSED ARCHITECT WHILE PRACTICING ARCHITECTURE WITH REGARD TO ANY STRUCTURE OR OTHER ARCHITECTURAL DESIGN, EITHER PUBLICLY OR PRIVATELY OWNED, IF:

(1) THE ACT, ERROR, OR OMISSION WAS NOT WANTON, WILLFUL, INTENTIONALLY TORTIOUS, OR GROSSLY NEGLIGENT; AND

(2) THE PRACTICE OF ARCHITECTURE WAS PERFORMED:

(I) VOLUNTARILY AND WITHOUT COMPENSATION;

(II) 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; AND

(III) AT THE REQUEST OF A PUBLIC OFFICIAL, LAW ENFORCEMENT OFFICIAL, PUBLIC SAFETY OFFICIAL, FIRE OFFICIAL, OR BUILDING INSPECTION OFFICIAL, ACTING IN AN OFFICIAL CAPACITY.

(C) THE IMMUNITY PROVIDED BY THIS SECTION APPLIES ONLY TO THE VOLUNTARY PRACTICE OF ARCHITECTURE PERFORMED WHILE A DECLARED STATE OF EMERGENCY IS IN EFFECT.

(D) (1) THIS SECTION DOES NOT CREATE, AND MAY NOT BE CONSTRUED AS CREATING, A NEW CAUSE OF ACTION OR SUBSTANTIVE LEGAL RIGHT AGAINST A LICENSED ARCHITECT.

(2) THIS SECTION DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS AFFECTING, ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED BY ANY OTHER PROVISIONS OF THE CODE OR AVAILABLE AT COMMON LAW, TO WHICH A LICENSED ARCHITECT MAY BE ENTITLED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.