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FISCAL IMPACT REPORT

SPONSOR: Wallace DATE TYPED: 02/18/01 HB 511
 SHORT TITLE: Good Samaritan Volunteers in Disasters SB _____
 ANALYST: Valdes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			Indeterminate		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Construction Industries Division, Regulation and Licensing Department

SUMMARY

Synopsis of Bill

House Bill 511 provides immunity for persons volunteering architectural or contracting services without compensation at the scene of a declared national, state or local emergency. The bill provides immunity for personal injury, wrongful death, property damage or other loss caused by the architect or contractor.

Significant Issues

The bill allows non-compensated volunteers to perform architectural and contracting services during declared emergencies without being liable for any personal injury, wrongful death, property damage or other loss caused by errors or omissions in services.

According to the Construction Industries Division, the passage of this bill, without amendment, could directly affect the performance of RLD/CID if work performed by volunteers is deficient or violates adopted building codes. Owners of structures, worked on by volunteers, who are left with non-conforming or unsafe buildings will be held legally responsible for the structure and will be required to disclose the various violations prior to re-occupancy of the building or prior to resale. Owners will be without redress and CID will be unable to require the volunteer contractor or architect to comply. Building code consumer complaints filed with CID will be non-resolvable.

PERFORMANCE IMPLICATIONS

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This bill could impact the percent of consumer complaint cases resolved in the Construction program.

FISCAL IMPLICATIONS

The fiscal impact on the agency is minimal.

ADMINISTRATIVE IMPLICATIONS

According to the Construction Industries Division, if a high disaster event resulted in a significant volume of deficient non-code complaint work performed by volunteers, passage of the bill, as drafted and without clarification, would adversely effect RLD/CID through the erosion of public trust and confidence.

TECHNICAL ISSUES

Construction Industries Division recommended amendments to the bill to address the following technical issues:

The bill does not provide a definition of contractor, contracting services, architect, architectural services or compensation.

The bill does not clarify or provide that volunteers must be licensed, pursuant to other state laws, or that work performed by volunteers must comply with adopted state and local building codes including permitting and inspected by applicable jurisdictions.

Further, it is not clear if a volunteer could seek reimbursement of costs incurred and still claim that they are serving without compensation.

MFV/njw