

1 SB178
2 135808-1
3 By Senators Whatley, Ward and Dial
4 RFD: Judiciary
5 First Read: 07-FEB-12

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8 SYNOPSIS: Under existing law, there is no specific
9 provision which provides civil immunity to
10 suppliers of water who comply with or obtain an
11 exemption from the regulations established by the
12 Alabama Department of Environmental Management.

13 This bill would provide civil immunity to
14 suppliers of water who have complied with or
15 obtained an exemption from the regulations
16 established by the Alabama Department of
17 Environmental Management.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 Relating to suppliers of water; to add a new section
24 to the Code of Alabama 1975, to provide civil immunity to
25 suppliers of water who have complied with or obtained an

1 exemption from the regulations established by the Alabama
2 Department of Environmental Management.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 22-23-35.1 is added to the Code
5 of Alabama 1975, to read as follows:

6 §22-23-35.1.

7 Any supplier of water, and its officers, directors,
8 and employees, who the board determines is in compliance with
9 the regulations established pursuant to Sections 22-23-33 and
10 22-23-34, or who has obtained and is in compliance with any
11 variance or exception authorized by the board pursuant to
12 Section 22-23-35, or who is operating under a Consent Decree
13 or Consent Order, shall have immunity from civil suit for
14 injuries to person or property, whether real or personal,
15 tangible or intangible, direct or consequential, claimed on
16 account of the quality, purity, wholesomeness, chemistry,
17 and/or physical make-up of the water supplied. This section
18 shall not be read to impair in any way the enforcement
19 authority of the Alabama Department of Environmental
20 Management under this chapter.

21 Section 2. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.