

1 HB9
2 125552-1
3 By Representative Long
4 RFD: Judiciary
5 First Read: 01-MAR-11
6 PFD: 02/22/2011

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8 SYNOPSIS: This bill would provide for the liability
9 of a contractor and the officers, directors,
10 agents, or employees of the contractor performing
11 highway, road, or street repairs construction, or
12 maintenance on behalf of the state, county, or
13 local government for personal injury, death, or
14 damages arising from the construction project or
15 roadway conditions only in the event that the
16 contractor was guilty of willful conduct.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 To provide for the liability of a contractor and the
23 officers, directors, agents, or employees of the contractor
24 performing highway, road, or street repairs construction, or
25 maintenance on behalf of the state, county, or local
26 government for personal injury, death, or damages arising from

1 the construction project or roadway conditions only in the
2 event that the contractor was guilty of willful conduct.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. A contractor and the officers, directors,
5 agents, or employees of the contractor performing highway,
6 road, or street repairs construction, or maintenance on behalf
7 of the Alabama Department of Transportation, a county, or a
8 local government shall be liable for personal injury, death,
9 or damages arising from the construction project, roadway
10 conditions, or work performed by the contractor only in the
11 event that the contractor or the officers, directors, agents,
12 or employees of the contractor were guilty of willful conduct
13 in the performance of their work. Willful conduct means a
14 purpose or intent or design to injure another and if a
15 contractor, the officers, directors, agents, or employees of
16 the contractor, with knowledge of the danger or peril to
17 another, consciously pursue a course of conduct with a design,
18 intent, and purpose of inflicting injury, then they shall be
19 guilty of willful conduct.

20 Section 2. This act shall only apply to a cause of
21 action occurring on and after the effective date of this act.

22 Section 3. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.