

1 HB50
2 114514-1
3 By Representative Gipson
4 RFD: Government Appropriations
5 First Read: 12-JAN-10
6 PFD: 12/08/2009

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, the State of Alabama
9 provides liability coverage for deaths, injuries,
10 or damages arising out of the negligent or wrongful
11 acts or omissions committed by state employees or
12 agents of the state.

13 This bill would include within the basic
14 liability coverage inmates who are assigned to
15 operate a motor vehicle on the public roads or
16 streets within this state.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT
21

22 To amend Section 36-1-6.1, Code of Alabama 1975, as
23 amended by Act 2009-748, 2009 Regular Session, relating to
24 liability coverage for state employees, to include within the
25 basic liability coverage inmates who are assigned to operate a
26 motor vehicle on the public roads or streets within this
27 state.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 36-1-6.1, Code of Alabama 1975,
3 as amended by Act 2009-748, 2009 Regular Session, is further
4 amended to read as follows:

5 "§36-1-6.1.

6 "(a) The various state agencies, departments, boards
7 or commissions shall determine and report their needs for
8 liability coverage to the Finance Director, the Insurance
9 Commissioner, and the Attorney General. The Finance Director,
10 with the advice of the Insurance Commissioner and Attorney
11 General, shall then determine the type of blanket policy
12 needed to provide basic coverage for deaths, injuries, or
13 damages arising out of the negligent or wrongful acts or
14 omissions committed by state employees or agents of the state,
15 including inmates who are assigned to operate a motor vehicle
16 on the public roads or streets within this state, retired
17 licensed physicians and dentists while they are voluntarily
18 serving at free health care clinics, and individuals serving
19 as foster parents licensed or approved by the Department of
20 Human Resources to maintain homes for a child or children
21 under the supervision of the department or serving as adult
22 foster care providers approved by the Department of Human
23 Resources to provide foster care for adults under the
24 supervision of the Department of Human Resources, while in the
25 performance of their official duties in the line and scope of
26 their employment or duties as foster parents or foster care
27 providers. Any policy of insurance or reinsurance shall be

1 selected by the Finance Director on a competitive bid basis
2 for an initial period of three years with a provision for
3 annual review beginning October 1, 1987.

4 "(b) The Finance Director, with the advice of the
5 Insurance Commissioner and the Attorney General, may provide
6 for self-insurance of the entire state or any part of the
7 state under such terms and conditions as the Finance Director
8 shall determine. Any funds appropriated for the purpose of
9 self-insurance and paid into a special trust account under the
10 provisions of this section shall not revert to the State
11 Treasury at the end of a fiscal year, but may be carried over
12 from year to year provided such funds are not used for any
13 other purpose.

14 "(c) In any action brought in the courts of the
15 State of Alabama or United States wherein a plaintiff seeks
16 damages arising out of the negligent or wrongful acts or
17 omissions committed by state employees, inmates operating
18 motor vehicles, or agents of the state, including retired
19 licensed physicians, dentists, and those foster parents and
20 foster care providers specified in subsection (a) herein,
21 while in the performance of their official duties in the line
22 and scope of their employment or duties as foster parents or
23 foster care providers, the plaintiff shall cause the Attorney
24 General of the State of Alabama to be served with a copy of
25 the suit against the employee, agent or servant of the board,
26 agency, commission or department.

1 "(d) The charges or costs of the liability insurance
2 or self-insurance provided under the provision of this section
3 shall be paid from the funds appropriated for the operation of
4 the several state departments, agencies, boards, or
5 commissions. The Finance Director may apportion the costs or
6 charges to the several state departments, agencies, boards or
7 commissions in order to cover the risk involved.

8 "(e) The provisions of this section shall not apply
9 to any educational institution or board in this state.

10 "(f) The State Board of Health, by rule, may
11 establish the qualifications and criteria for retired
12 physicians and dentists to be eligible to participate in
13 professional liability coverage administered by the Department
14 of Finance while serving at free health care clinics under
15 this section. The State Board of Health, by regulation, may
16 also establish the maximum number of retired physicians and
17 dentists who may be provided professional liability coverage
18 and may by regulation establish the maximum amount of funds
19 that may be expended by the Alabama Department of Public
20 Health to pay premiums for such coverage pursuant to this
21 section."

22 Section 2. The provisions of Section 1 shall not be
23 applicable nor shall they affect in any way the provisions of
24 Article 34, Chapter 5, Title 6, Code of Alabama 1975,
25 providing for the Volunteer Medical Professional Act.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.