- 1 HB110
- 2 164917-3
- 3 By Representative Williams (JD)
- 4 RFD: Judiciary
- 5 First Read: 03-MAR-15

1	<u>ENGROSSED</u>
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	Relating to products liability; to provide that a
9	manufacturer is not liable, regardless of the type of claims
10	or theory of liability asserted, for damages resulting from a
11	product it did not design, manufacture, sell, or lease; and to
12	provide that a manufacturer is not liable for damages if its
13	design is copied without its express authorization.
14	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
15	Section 1. For the purposes of this act, the term
16	"product" means the actual physical product that was used,
17	ingested, or encountered by the claimant and that the claimant
18	alleges caused the injury giving rise to the claim, and not
19	any similar product.
20	Section 2. In any civil action for personal injury,
21	death, or property damage caused by a product, regardless of
22	the type of claims alleged or the theory of liability
23	asserted, the claimant <u>plaintiff</u> must prove, among other
24	elements, that the defendant designed, manufactured, sold, or
25	leased the particular product the use of which is alleged to
26	have caused the personal injury, death, or property damage on

which the claim is based. Designers, manufacturers, sellers,

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ingested, or encountered by the claimant may not be held
liable for the claimant's alleged injury. the injury on which
the claim is based, and not a similar or equivalent product.

Designers, manufacturers, sellers, or lessors of products not
identified as having been used, ingested, or encountered by an
allegedly injured party may not be held liable for any alleged
injury. A person, firm, corporation, association, partnership,
or other legal or business entity whose design is copied or
otherwise used by a manufacturer without the designer's
express authorization is not subject to liability for personal
injury, death, or property damage caused by the manufacturer's
product, even if use of the design is foreseeable.

Section 3. Defective design claims are not eliminated by this act, but they may not be asserted against any defendant that did not design the particular product the use of which is alleged to have caused the personal injury, death, or property damage on which the claim is based. A person, firm, corporation, association, partnership, or other legal or business entity whose design is copied or otherwise used by a manufacturer without the designer's express authorization is not subject to liability for personal injury, death, or property damage caused by the manufacturer's product, even if use of the design is foreseeable.

This act is not intended in any way to alter or affect any other principle of law, including those that apply under the Alabama Medical Liability Act, Section 6-5-540 et

1	seq., Code of Alabama 1975; those that apply to successor
2	entities, distributors, component manufacturers, or
3	manufacturers who use component parts in assembling products
4	for sale as complete units; or those that apply to the
5	operation of a contract, including a licensing agreement.
6	Section 4. This act is not intended to alter any
7	other principle of law, including those that apply under the
8	Alabama Medical Liability Act, Section 6-5-540 et seq., Code
9	of Alabama 1975, to a component part, to the liability of a
10	distributor, or to the operation of a contract, including a
11	licensing agreement.
12	Section 5. The provisions of this act are severable
13	If any part of this act is declared invalid or
14	unconstitutional, that declaration shall not affect the part
15	which remains.
16	Section 6. This act shall become effective six
17	months following its passage and approval by the Governor, or
18	its otherwise becoming law and shall apply to civil actions

19 <u>filed thereafter</u>.

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3	House of Representatives
4 5 6 7	Read for the first time and re- ferred to the House of Representa- tives committee on Judiciary 03-MAR-15
8 9 10	Read for the second time and placed on the calendar 1 amendment
11 12 13	Read for the third time and passed as amended
14 15 16	Jeff Woodard Clerk