

1 SB80
2 165546-5
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 03-MAR-15

1 SB80

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4 ENROLLED, An Act,

5 Relating to products liability; to provide that a
6 manufacturer is not liable, regardless of the type of claims
7 or theory of liability asserted, for damages resulting from a
8 product it did not design, manufacture, sell, or lease; and to
9 provide that a manufacturer is not liable for damages if its
10 design is copied without its express authorization.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. In any civil action for personal injury,
13 death, or property damage caused by a product, regardless of
14 the type of claims alleged or the theory of liability
15 asserted, the plaintiff must prove, among other elements, that
16 the defendant designed, manufactured, sold, or leased the
17 particular product the use of which is alleged to have caused
18 the injury on which the claim is based, and not a similar or
19 equivalent product. Designers, manufacturers, sellers, or
20 lessors of products not identified as having been used,
21 ingested, or encountered by an allegedly injured party may not
22 be held liable for any alleged injury. A person, firm,
23 corporation, association, partnership, or other legal or
24 business entity whose design is copied or otherwise used by a
25 manufacturer without the designer's express authorization is

1 not subject to liability for personal injury, death, or
2 property damage caused by the manufacturer's product, even if
3 use of the design is foreseeable.

4 Section 2. This act is not intended in any way to
5 alter or affect any other principle of law, including those
6 that apply under the Alabama Medical Liability Act, Section
7 6-5-540 et seq., Code of Alabama 1975; those that apply to
8 successor entities, distributors, component manufacturers, or
9 manufacturers who use component parts in assembling products
10 for sale as complete units; or those that apply to the
11 operation of a contract, including a licensing agreement.

12 Section 3. 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 4. 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 filed thereafter.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB80
 Senate 17-MAR-15
 I hereby certify that the within Act originated in and passed
 the Senate, as amended.

Patrick Harris
 Secretary

House of Representatives
 Passed: 28-APR-15

By: Senator Ward