

1 HB422
2 116066-2
3 By Representatives Barton, Ison, Fincher, Davis, Gordon,
4 Buskey, Kennedy, McMillan, Gaston and Baker (A) (N & P)
5 RFD: Mobile County Legislation
6 First Read: 26-JAN-10

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, there is no specific
9 provision which provides civil immunity to
10 participants in Mardi Gras parades and festivities
11 which occurred in a Class 2 municipality for any
12 loss or damages caused by them while they are
13 participating in the parade.

14 This bill would provide civil immunity to
15 non-compensated participants in a Mardi Gras parade
16 that is held in a Class 2 municipality for any loss
17 or damages caused by participating in the parade
18 unless the loss or damage was caused by the
19 deliberate and wanton acts of the sponsor of the
20 parade or the participants in the parade.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 To provide for a civil immunity to participants in
27 Mardi Gras parades that are held in a Class 2 municipality for

1 any loss or damages caused by them while they are
2 participating in the parade.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) Notwithstanding any other law to the
5 contrary, no person shall have a cause of action against any
6 krewe or organization, any group traditionally referred to as
7 a Mardi Gras Society, or any member of the krewe,
8 organization, or society which presents Mardi Gras parades
9 that are held in a Class 2 municipality, including traditional
10 rural Mardi Gras parades, processions in which participants
11 ride on horseback, march, walk, or ride on horse-drawn or
12 motor-drawn floats, or wheeled beds, or other parades, whether
13 held on a public or private street, or in a building or other
14 structure, or any combination of the krewe, organization, or
15 society, connected with pre-Lenten festivities, or against any
16 nonprofit organization chartered under the laws of this state,
17 or any member of the krewe, organization, or society which
18 sponsors parades, for any loss or damage caused by any member
19 of the krewe, organization, or society, during or in
20 conjunction with or related to the parade or parades presented
21 by such krewe or organization, unless the loss or damage was
22 caused by the deliberate and wanton acts of the krewe,
23 organization, or society, or any member of the krewe,
24 organization, or society, as the case may be, or unless a
25 member was operating a motor vehicle within the parade and was
26 a compensated employee of the krewe, organization, or society.
27 This section shall not limit the liability of a compensated

1 employee of a krewe, organization, or society for his or her
2 individual acts of negligence.

3 (b) A person who is attending one of the organized
4 parades, when the parade begins and ends between the hours of
5 6:00 a.m. and 12:00 midnight of the same day, assumes the risk
6 of being struck by any missile whatsoever which has been
7 traditionally thrown, tossed, or hurled by members of the
8 krewe, organization, or society in the parades held prior to
9 the effective date of this act. The items shall include, but
10 are not limited to, beads, cups, Moonpies, and doubloons
11 unless the loss or damage was caused by the deliberate and
12 wanton acts of the krewe, organization, or society.

13 Section 2. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.