

1 HB227
2 124190-1
3 By Representative Johnson (R)
4 RFD: Judiciary
5 First Read: 10-MAR-11

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8 SYNOPSIS: This bill would specify that the use of a
9 product in a products liability action would mean
10 the use of the whole and entire product regardless
11 of whether only a component is alleged to be
12 defective.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Section 6-5-501 of the Code of Alabama
19 1975, relating to product liability actions, to define the use
20 of the product alleged to be defective.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 6-5-501 of the Code of Alabama
23 1975, is amended to read as follows:

24 "§6-5-501.

25 "(a) The following definitions are applicable in
26 this division:

1 "(1) ORIGINAL SELLER. Any person, firm, corporation,
2 association, partnership, or other legal or business entity,
3 which in the course of business or as an incident to business,
4 sells or otherwise distributes a manufactured product (a)
5 prior to or (b) at the time the manufactured product is first
6 put to use by any person or business entity who did not
7 acquire the manufactured product for either resale or other
8 distribution in its unused condition or for incorporation as a
9 component part in a manufactured product which is to be sold
10 or otherwise distributed in its unused condition.

11 "(2) PRODUCT LIABILITY ACTION. Any action brought by
12 a natural person for personal injury, death, or property
13 damage caused by the manufacture, construction, design,
14 formula, preparation, assembly, installation, testing,
15 warnings, instructions, marketing, packaging, or labeling of a
16 manufactured product when such action is based upon (a)
17 negligence, (b) innocent or negligent misrepresentation, (c)
18 the manufacturer's liability doctrine, (d) the Alabama
19 extended manufacturer's liability doctrine, as it exists or is
20 hereafter construed or modified, (e) breach of any implied
21 warranty, or (f) breach of any oral express warranty and no
22 other. A product liability action does not include an action
23 for contribution or indemnity.

24 "(3) The definitions used herein are to be used for
25 purposes of this division and are not to be construed to
26 expand or limit the status of the common or statutory law

1 except as expressly modified by the provisions of this
2 division.

3 "(b) In any product liability action as defined in
4 this chapter, the use of the product alleged to be defective
5 means any act or omission by a person or entity, or both, in
6 the operation of the whole and entire product alleged to be
7 defective regardless of whether the act or omission
8 constituting use of the product alleged to be defective
9 pertains to a specific component or components alleged to have
10 caused the accident or injury that forms the underlying basis
11 for the product liability action."

12 Section 2. This act shall apply to any action filed
13 after the effective date of this act.

14 Section 3. This act shall become effective
15 immediately following its passage and approval by the
16 Governor, or its otherwise becoming law.