

1 SB212
2 128664-4
3 By Senators Scofield, Sanford, McGill, Williams, Ward,
4 Holtzclaw, Holley, Brewbaker, Beason, Glover, Taylor, Brooks,
5 Dial, Bussman, Waggoner and Orr
6 RFD: Judiciary
7 First Read: 10-MAR-11

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 6-5-410 of the Code of Alabama
12 1975, the Alabama Wrongful Death Act, to further provide for
13 venue of an action by the personal representative of the
14 deceased.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 6-5-410 of the Code of Alabama
17 1975, is amended to read as follows:

18 "§6-5-410.

19 "(a) A personal representative may commence an
20 action and recover such damages as the jury may assess in a
21 court of competent jurisdiction within the State of Alabama
22 where provided for in subsection (e), and not elsewhere, for
23 the wrongful act, omission, or negligence of any person,
24 persons, or corporation, his or her or their servants or
25 agents, whereby the death of ~~his~~ the testator or intestate was
26 caused, provided the testator or intestate could have

1 commenced an action for ~~such~~ the wrongful act, omission, or
2 negligence if it had not caused death.

3 "(b) ~~Such~~ The action shall not abate by the death of
4 the defendant, but may be revived against his or her personal
5 representative and may be maintained though there has not been
6 prosecution, conviction, or acquittal of the defendant for the
7 wrongful act, omission, or negligence.

8 "(c) The damages recovered are not subject to the
9 payment of the debts or liabilities of the testator or
10 intestate, but must be distributed according to the statute of
11 distributions.

12 "(d) ~~Such~~ The action must be commenced within two
13 years from and after the death of the testator or intestate.

14 "(e) For any cause of action brought pursuant to
15 this section, the action may only be filed in a county where
16 the deceased could have commenced an action for the alleged
17 wrongful act, omission, or negligence pursuant to Section
18 6-3-7 or 6-3-2, if the alleged wrongful act, omission, or
19 negligence had not caused death. Nothing in this subsection is
20 intended to override Rule 82 of the Alabama Rules of Civil
21 Procedure."

22 Section 2. This act shall only apply to actions
23 filed after the effective date of this act.

24 Section 3. This act shall become effective
25 immediately following its passage and approval by the
26 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 10-MAR-11

Read for the second time and placed on the calen-
dar with 1 substitute and..... 06-APR-11

Read for the third time and passed as amended 19-APR-11

Yeas 32
Nays 1

Patrick Harris
Secretary