

1 SB212
2 128664-5
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

1 SB212

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4 ENROLLED, An Act,

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

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 6-5-410 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§6-5-410.

13 "(a) A personal representative may commence an
14 action and recover such damages as the jury may assess in a
15 court of competent jurisdiction within the State of Alabama
16 where provided for in subsection (e), and not elsewhere, for
17 the wrongful act, omission, or negligence of any person,
18 persons, or corporation, his or her or their servants or
19 agents, whereby the death of the testator or intestate was
20 caused, provided the testator or intestate could have
21 commenced an action for the wrongful act, omission, or
22 negligence if it had not caused death.

23 "(b) The action shall not abate by the death of the
24 defendant, but may be revived against his or her personal
25 representative and may be maintained though there has not been

1 prosecution, conviction, or acquittal of the defendant for the
2 wrongful act, omission, or negligence.

3 "(c) The damages recovered are not subject to the
4 payment of the debts or liabilities of the testator or
5 intestate, but must be distributed according to the statute of
6 distributions.

7 "(d) The action must be commenced within two years
8 from and after the death of the testator or intestate.

9 "(e) For any cause of action brought pursuant to
10 this section, the action may only be filed in a county where
11 the deceased could have commenced an action for the alleged
12 wrongful act, omission, or negligence pursuant to Section
13 6-3-7 or 6-3-2, if the alleged wrongful act, omission, or
14 negligence had not caused death. Nothing in this subsection is
15 intended to override Rule 82 of the Alabama Rules of Civil
16 Procedure."

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

19 Section 3. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB212

Senate 19-APR-11

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 26-MAY-11

By: Senator Scofield