

1 SB306
2 127445-1
3 By Senators Scofield, Dial, Blackwell, Allen, Pittman and
4 Marsh
5 RFD: Governmental Affairs
6 First Read: 29-MAR-11

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8 SYNOPSIS: This bill would provide that the liability
9 and responsibility of a contractor or
10 subcontractor, and its respective officers,
11 directors, agents, and employees performing
12 highway, road, or street repairs, construction, or
13 maintenance on behalf of the state, any county, or
14 any local government for any damages arising from
15 the construction project or roadway conditions
16 shall cease upon the acceptance by the Alabama
17 Department of Transportation, the county, or the
18 local government of the highway, road, or street
19 project as being in substantial compliance with the
20 contract documents, plans, and specifications
21 governing the project.

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23 A BILL
24 TO BE ENTITLED
25 AN ACT
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1 To provide that the responsibility and liability of
2 any contractor or subcontractor who performs highway, road, or
3 street repairs, construction, or maintenance work for any
4 injuries resulting from the condition of any highways, roads,
5 or streets, which are constructed, repaired, or maintained for
6 or on behalf of the state, any county, or any local government
7 shall cease and be immediately terminated upon the acceptance
8 by the Alabama Department of Transportation, the county, or
9 the local government of the highway, road, or street project
10 as being in substantial compliance with the contract
11 documents, plans, and specifications governing the project.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. The contractual and maintenance
14 responsibilities and civil liability of a contractor and its
15 officers, directors, agents, and employees, or its
16 subcontractors, and the officers, directors, agents, and
17 employees of the subcontractor, performing highway, road, or
18 street repairs, construction, or maintenance on behalf of the
19 Alabama Department of Transportation, any county, or any local
20 government shall cease and be immediately terminated upon the
21 acceptance of the designated project as being in substantial
22 compliance with the plans, specifications, and contractual
23 requirements governing the project as determined by the
24 department, the county, or the local government of the
25 highway, road, or street project.

26 Section 2. Inasmuch as the department or other
27 public authority is the designer and owner of the roadway, the

1 contractor or subcontractor, along with its respective
2 officers, directors, agents, and employees, shall bear no
3 civil liability for any alleged property damages, injury,
4 death, or other civil remedy for allegations or claims made by
5 non-contractual third parties arising from the design or
6 engineering of the project by the department or regard to
7 acceptance of the project by the department or other public
8 agency. Any responsibility of the contractor or subcontractor
9 and its respective officers, directors, agents, and employees
10 for the construction, maintenance, or supervision of the road
11 project is relieved upon the acceptance of the project as being
12 in substantial compliance with the plans, specifications, and
13 contractual requirements agreed upon with the department or
14 other public owner of the project.

15 Section 3. The contractor or subcontractor,
16 including its respective officers, directors, agents, or
17 employees, shall bear no civil liability for any condition or
18 defect of the roadway that is outside of the scope of the
19 project or that arises after the department or other public
20 agency has accepted the project as being in substantial
21 compliance with the plans, specifications, and contractual
22 requirements agreed upon for the project. The contractor or
23 subcontractor shall not be responsible for the decisions of an
24 owner as to the scope of the project or as to the maintenance
25 responsibilities for which the public owner is responsible
26 following substantial completion of the project.

1 Section 4. This act shall only apply to a cause of
2 action which accrues after the effective date of this act. For
3 the purpose of this act, a cause of action accrues at the time
4 of property damage or the occurrence of the injury or death
5 forming the basis of a civil action.

6 Section 5. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.