

1 SB139
2 134306-1
3 By Senator Scofield
4 RFD: Commerce, Transportation, and Utilities
5 First Read: 07-FEB-12
6 PFD: 02/02/2012

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

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

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

19 Section 3. The contractor or subcontractor,
20 including their officers, directors, agents, or employees,
21 shall bear no civil liability for any condition or defect of
22 the roadway that is outside of the scope of the project or
23 that arises after the Alabama Department of Transportation or
24 other public agency has accepted the project as being in
25 substantial compliance with the plans, specifications, and
26 contractual requirements agreed upon for the project. The

1 contractor or subcontractor shall not be responsible for an
2 owner's decisions as to the scope of the project or as to the
3 maintenance responsibilities for which the public owner is
4 responsible following substantial completion of the project.

5 Section 4. This act shall only apply to a cause of
6 action which accrues after the effective date of this act.
7 Under the purposes of this act, a cause of action accrues at
8 the time of property damage or the occurrence of the injury or
9 death that is made the basis of a civil action.

10 Section 5. This act shall become effective
11 immediately following its passage and approval by the
12 Governor, or its otherwise becoming law.