

1 HB110
2 164917-3
3 By Representative Williams (JD)
4 RFD: Judiciary
5 First Read: 03-MAR-15

1 or lessors of products not identified as having been used,
2 ingested, or encountered by the claimant may not be held
3 liable for the claimant's alleged injury. the injury on which
4 the claim is based, and not a similar or equivalent product.
5 Designers, manufacturers, sellers, or lessors of products not
6 identified as having been used, ingested, or encountered by an
7 allegedly injured party may not be held liable for any alleged
8 injury. A person, firm, corporation, association, partnership,
9 or other legal or business entity whose design is copied or
10 otherwise used by a manufacturer without the designer's
11 express authorization is not subject to liability for personal
12 injury, death, or property damage caused by the manufacturer's
13 product, even if use of the design is foreseeable.

14 Section 3. ~~Defective design claims are not~~
15 ~~eliminated by this act, but they may not be asserted against~~
16 ~~any defendant that did not design the particular product the~~
17 ~~use of which is alleged to have caused the personal injury,~~
18 ~~death, or property damage on which the claim is based. A~~
19 ~~person, firm, corporation, association, partnership, or other~~
20 ~~legal or business entity whose design is copied or otherwise~~
21 ~~used by a manufacturer without the designer's express~~
22 ~~authorization is not subject to liability for personal injury,~~
23 ~~death, or property damage caused by the manufacturer's~~
24 ~~product, even if use of the design is foreseeable.~~

25 This act is not intended in any way to alter or
26 affect any other principle of law, including those that apply
27 under the Alabama Medical Liability Act, Section 6-5-540 et

1 seq., Code of Alabama 1975; those that apply to successor
2 entities, distributors, component manufacturers, or
3 manufacturers who use component parts in assembling products
4 for sale as complete units; or those that apply to the
5 operation of a contract, including a licensing agreement.

6 Section 4. ~~This act is not intended to alter any~~
7 ~~other principle of law, including those that apply under the~~
8 ~~Alabama Medical Liability Act, Section 6-5-540 et seq., Code~~
9 ~~of Alabama 1975, to a component part, to the liability of a~~
10 ~~distributor, or to the operation of a contract, including a~~
11 ~~licensing agreement.~~

12 Section 5. The provisions of this act are severable.
13 If any part of this act is declared invalid or
14 unconstitutional, that declaration shall not affect the part
15 which remains.

16 Section 6. This act shall become effective six
17 months following its passage and approval by the Governor, or
18 its otherwise becoming law and shall apply to civil actions
19 filed thereafter.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 03-MAR-15

Read for the second time and placed
on the calendar 1 amendment 11-MAR-15

Read for the third time and passed
as amended..... 17-MAR-15

Yeas 88, Nays 7, Abstains 0

Jeff Woodard
Clerk