

1 SB450  
2 167960-2  
3 By Senators Pittman and Waggoner  
4 RFD: Judiciary  
5 First Read: 05-MAY-15

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8 SYNOPSIS: Under existing law, employees of a local  
9 governmental entity may be sued personally for  
10 actions taken within the course and scope of their  
11 employment.

12 This bill would provide that an employee of  
13 a local governmental entity would not be personally  
14 liable for an act in the course and scope of his or  
15 her employment unless the employee acted in bad  
16 faith or acted in a willful or wanton manner.

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18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
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22 To add Section 11-93-4 to the Code of Alabama 1975,  
23 relating to local government; to provide further for the civil  
24 liability of employees of local governmental entities for acts  
25 in the course and scope of employment.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 11-93-4 is added to the Code of  
2 Alabama 1975, to read as follows:

3           §11-93-4.

4           (a) No employee, as defined in this chapter, shall  
5 be held personally liable in tort or named as a party  
6 defendant in any action for injury or damage suffered as a  
7 result of any act, event, or omission of action in the course  
8 and scope of his or her employment or function, unless such  
9 employee acted in bad faith or with malicious purpose or in a  
10 manner exhibiting wanton and willful disregard of human  
11 rights, safety, or property.

12           (b) The exclusive remedy for injury or damage  
13 suffered as a result of an act, event, or omission by an  
14 employee shall be by action against the governmental entity  
15 unless such act or omission was committed in bad faith or with  
16 malicious purpose or in a manner exhibiting wanton and willful  
17 disregard for human rights, safety, or property. A  
18 governmental entity shall not be liable in tort for the acts  
19 or omissions of an employee while acting outside the course  
20 and scope of his or her employment or committed in bad faith  
21 or with malicious purpose or in a manner exhibiting wanton and  
22 willful disregard of human rights, safety, or property.

23           (c) For purposes of this chapter, an employee is  
24 deemed to be within the course and scope of employment if he  
25 or she is within the period of his or her employment, at a  
26 place where he or she may reasonably be and while he or she is  
27 reasonably fulfilling the duties of his or her employment or

1 engaged in doing something incident to it. Further, it shall  
2 be a rebuttable presumption that any act or omission of an  
3 employee within the time and at the place of his or her  
4 employment is within the course and scope of his or her  
5 employment.

6 Section 2. This act shall become effective  
7 immediately following its passage and approval by the  
8 Governor, or its otherwise becoming law.