

1 SB80  
2 164917-2  
3 By Senator Ward  
4 RFD: Judiciary  
5 First Read: 03-MAR-15

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8 SYNOPSIS: This bill would provide that a manufacturer  
9 is not liable, under any theory of liability, for  
10 damages resulting from a product not designed,  
11 manufactured, sold, or leased by the manufacturer.

12 This bill would also provide that if a  
13 manufacturer's design is copied without express  
14 authorization, the manufacturer is not subject to  
15 liability for personal injury, death, or property  
16 damage caused by the manufacturer's product even if  
17 use of the design is foreseeable.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 Relating to products liability; to codify the  
24 longstanding product-identification requirement for any claim  
25 alleging personal injury, death, or property damage caused by  
26 the use of a product; to provide that a manufacturer is not  
27 liable for damages resulting from a product it did not design,

1 manufacture, sell, or lease; and to provide that a  
2 manufacturer is not liable for damages if its design is copied  
3 without express authorization.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. For the purposes of this act, the term  
6 "product" means the actual physical product that was used,  
7 ingested, or encountered by the claimant and that the claimant  
8 alleges caused the injury giving rise to the claim, and not  
9 any similar product.

10 Section 2. In any civil action for personal injury,  
11 death, or property damage caused by a product, regardless of  
12 the type of claims alleged or the theory of liability  
13 asserted, the claimant must prove, among other elements, that  
14 the defendant designed, manufactured, sold, or leased the  
15 particular product the use of which is alleged to have caused  
16 the personal injury, death, or property damage on which the  
17 claim is based. Designers, manufacturers, sellers, or lessors  
18 of products not identified as having been used, ingested, or  
19 encountered by the claimant may not be held liable for the  
20 claimant's alleged injury.

21 Section 3. Defective design claims are not  
22 eliminated by this act, but they may not be asserted against  
23 any defendant that did not design the particular product the  
24 use of which is alleged to have caused the personal injury,  
25 death, or property damage on which the claim is based. A  
26 person, firm, corporation, association, partnership, or other  
27 legal or business entity whose design is copied or otherwise

1 used by a manufacturer without the designer's express  
2 authorization is not subject to liability for personal injury,  
3 death, or property damage caused by the manufacturer's  
4 product, even if use of the design is foreseeable.

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

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

15 Section 6. This act shall become effective six  
16 months following its passage and approval by the Governor, or  
17 its otherwise becoming law.