

1 SJR83
2 218944-4
3 By Senator Albritton
4 RFD:
5 First Read: 17-MAR-22

1 SJR83

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4 ENROLLED, SJR83,

5 ESTABLISHING THE ALABAMA CONSTRUCTION CONTRACT
6 INDEMNIFICATION INTERIM STUDY COMMISSION.

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8 WHEREAS, there is an issue within the Alabama
9 construction industry concerning the liability of contractors,
10 subcontractors, and materials manufacturers and providers; and

11 WHEREAS, the law related to the indemnification
12 provisions in contracts among the parties engaged in the
13 completion and execution of construction projects should be
14 reviewed; now therefore,

15 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
16 HOUSES THEREOF CONCURRING, That there is established the
17 Alabama Construction Contract Indemnification Interim Study
18 Commission.

19 (a) The study commission shall be chaired by the
20 chair of the Senate Finance and Taxation General Fund
21 Committee and shall be comprised of the following additional
22 members, each appointed by the chair:

23 (1) A member of the Alabama House of Representatives
24 appointed by the chair to serve as vice chair.

1 (2) A representative of the Associated Builders and
2 Contractors of Alabama.

3 (3) A representative of the Associated Builders and
4 Contractors of North Alabama.

5 (4) A representative of the American Council of
6 Engineering Companies of Alabama.

7 (5) A representative of the Alabama Concrete
8 Industries Association.

9 (6) A representative of the Subcontractors
10 Association of Alabama.

11 (7) A representative of the Alabama Associated
12 General Contractors.

13 (8) A representative of the Alabama Contractors
14 Association.

15 (9) A representative of the Alabama Road Builders
16 Association.

17 (10) A representative of the Higher Education
18 Partnership of Alabama.

19 (11) A representative of the Alabama Association for
20 Justice.

21 (12) A representative of the Alabama Community
22 College System.

23 (13) A representative of the Alabama Department of
24 Finance.

1 (14) Such other members as determined necessary and
2 appropriate by the chair.

3 (b) The chair of the study commission shall schedule
4 the study commission's first meeting upon the adjournment of
5 the 2022 Regular Legislative Session. Following the first
6 meeting, the study commission shall schedule properly noticed
7 public meetings as necessary to gain input from all
8 representatives interested in liability assignment clauses
9 within construction contracts.

10 (c) (1) At the request of the chair or vice chair,
11 the Secretary of the Senate and the Clerk of the House of
12 Representatives shall provide administrative and clerical
13 assistance to the study commission.

14 (2) The Legislative Services Agency shall provide
15 research, compile information, and draft recommended changes
16 to Alabama law, as requested by the study commission.

17 (d) The commission shall have both of the following
18 duties and responsibilities:

19 (1) Examine existing laws and practices concerning
20 indemnification clauses and agreements within construction
21 contracts in Alabama.

22 (2) Determine the methods of contracting that are
23 consistent and equitable for all parties entering into
24 agreements for the completion of construction projects.

1 (e) The study commission shall publish its findings
2 and any recommended changes to the law by December 1, 2022, or
3 as soon as practicable thereafter. The study commission shall
4 stand dissolved following its publication, but in no event
5 later than January 31, 2023.

6 (f) Following its passage, a copy of this resolution
7 shall be provided to the chair of the Senate Finance and
8 Taxation General Fund Committee.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SJR83
Senate 17-MAR-22
I hereby certify that the within Senate Joint Resolution
originated in and was adopted by the Senate.

Patrick Harris,
Secretary.

House of Representatives
Adopted: 31-MAR-22

By: Senator Albritton