

HB377 ENROLLED



1 4ZA9RR-2
2 By Representative South
3 RFD: State Government
4 First Read: 25-Apr-23
5 2023 Regular Session



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1 Enrolled, An Act,

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3 To allow for the payment of uncontested claims on an
4 expedited basis for the Board of Adjustment.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 41-9-62, Code of Alabama 1975, is
7 amended to read as follows:

8 "§41-9-62

9 (a) The Board of Adjustment shall have the power and
10 jurisdiction and it shall be its duty to hear and consider:

11 (1) All claims for damages to the person or property
12 growing out of any injury done to either the person or
13 property by the State of Alabama or any of its agencies,
14 commissions, boards, institutions or departments, with the
15 exception of claims by employees of the state for personal
16 injury or death arising out of the course of employment with
17 the State of Alabama, where such employees are covered by an
18 employee injury compensation program;

19 (2) All claims for personal injuries to or the death of
20 any convict, and all claims for personal injuries to or the
21 death of any employee of a city or county board of education,
22 or college or university, arising out of the course of the
23 employee's employment and where the employee is not covered by
24 a worker's compensation program;

25 (3) All claims of members of the public at large or of
26 officers of the law who are not employees of the state arising
27 out of injuries sustained while attempting to recapture
28 escaped convicts, which convicts have escaped after they have



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29 been placed in the actual custody of the Department of
30 Corrections;

31 (4) All claims against the State of Alabama or any of
32 its agencies, commissions, boards, institutions or departments
33 arising out of any contract, express or implied, to which the
34 State of Alabama or any of its agencies, commissions, boards,
35 institutions or departments are parties, where there is
36 claimed a legal or moral obligation resting on the state;

37 (5) All claims for money overpaid on obligations to the
38 State of Alabama or any of its agencies, commissions, boards,
39 institutions or departments;

40 (6) All claims for money voluntarily paid to the State
41 of Alabama or any of its agencies, commissions, boards,
42 institutions or departments, where no legal liability existed
43 to make such payment;

44 (7) All claims for underpayment by the State of Alabama
45 or any of its agencies, commissions, boards, institutions or
46 departments to parties having dealings with the State of
47 Alabama or any of its agencies, commissions, boards,
48 institutions or departments;

49 (8) All claims for money or property alleged to have
50 wrongfully escheated to the State of Alabama; and

51 (9) All claims for injury or death of any student duly
52 enrolled in any of the public schools of this state resulting
53 from an accident sustained while being transported to or from
54 school or in connection with any school activity in any bus or
55 any motor vehicle operated directly by any school board or
56 agency of the state or through contract with another. Awards



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57 payable to any such student for injuries sustained in such
58 accident shall be equal to the maximum benefits payable to
59 employees as provided in Chapter 5 of Title 25 for injuries,
60 loss of time or medical attendance; and, where death results
61 from such injuries, the amount payable to the parent or
62 parents of such student shall be equal to the maximum amount
63 payable to a totally dependent parent or parents as provided
64 by Chapter 5 of Title 25; provided, however, that no payment
65 for death of such student shall be made to any parent or
66 parents unless they were actually supporting such student at
67 the time of the accident causing the injuries and death. The
68 fact that such student has no earning capacity or earns an
69 average wage of less than the amount which would entitle him
70 to maximum benefits under Chapter 5 of Title 25 shall in no
71 way limit an award to him, his parent or parents. Awards for
72 such injuries or death shall constitute a prior and preferred
73 claim against moneys appropriated for the minimum program
74 fund, and no part of any such award shall be charged against
75 any funds allotted to the school board of the county or city
76 or the district board of education of the independent school
77 district where said accident occurred. If it should appear to
78 the Board of Adjustment after investigation that the accident
79 causing the injury or death of such student was caused under
80 circumstances also creating a legal liability for damages on
81 the part of any party and it should further appear to the
82 Board of Adjustment that claim may be made against such party
83 by such student, his parent or legal representative to recover
84 damages, then, in that event, any payment otherwise due under



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85 this subdivision may be withheld by the Board of Adjustment
86 pending final settlement of such claim and, if said student or
87 his parent or legal representative recovers damages against
88 said party, any sum so recovered and collected may be offset
89 against payments due under this subdivision, and the balance
90 due, if any, shall thereafter be promptly paid by the Board of
91 Adjustment. The provisions of this subdivision shall apply to
92 all claims relating to injuries to school children filed with
93 said board within one year of the date of an accident. Minor
94 students shall have, for the purpose of this subdivision, the
95 same power to contract, make elections of remedy, make
96 settlements and receive compensation as adults would have
97 subject to the power of the Board of Adjustment in its
98 discretion at any time to require the appointment of a
99 guardian to receive moneys or awards and payments of awards
100 made to such minor students or their guardian shall exclude
101 any further compensation either to the minor students or to
102 their parents for loss of service or otherwise.

103 (b) The jurisdiction of the Board of Adjustment is
104 specifically limited to the consideration of the claims
105 enumerated in subsection (a) of this section and no others;
106 provided, that nothing contained in this division shall confer
107 upon the Board of Adjustment any jurisdiction now conferred by
108 law upon the State Board of Compromise provided for in
109 Sections 41-1-3 and 41-1-4, and nothing contained in this
110 division shall be construed to confer jurisdiction upon the
111 Board of Adjustment to settle or adjust any matter or claim of
112 which the courts of this state have or had jurisdiction;



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113 provided further, that the Board of Adjustment shall have no
114 jurisdiction over claims growing out of forfeitures or of
115 contracts with any state agency, commission, board,
116 institution or department where, by law or contract, said
117 state agency, commission, board, institution or department is
118 made the final arbiter of any disagreement growing out of
119 forfeitures or of contracts of said state agency, commission,
120 board, institution or department, and, particularly, the Board
121 of Adjustment shall have no jurisdiction of disagreements
122 arising out of contracts entered into by the Department of
123 Transportation.

124 (c) Employees of municipalities and counties are not to
125 be considered employees of the State of Alabama or of any of
126 its agencies, commissions, boards, institutions or departments
127 within the jurisdiction of this board and within the meaning
128 of the word "employee" as used in this section.

129 (d) The Board of Adjustment may approve uncontested
130 claims on an expedited basis without a full hearing, subject
131 to the forms and rules promulgated under Section 41-9-66."

132 Section 2. This act shall become effective immediately
133 following its passage and approval by the Governor, or its
134 otherwise becoming law.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 23-May-23.

John Treadwell
Clerk

Senate

01-Jun-23

Passed