

**SB332 INTRODUCED**



1 DSRENH-1  
2 By Senator Shelnett  
3 RFD: Banking and Insurance  
4 First Read: 17-May-23  
5 2023 Regular Session



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SYNOPSIS:

Under existing law, there is no limitation under state law on the extent to which a secondary legal source may be considered authoritative in a legal proceeding.

This bill would limit the extent to which a secondary legal resource pertaining to insurance may be considered authoritative in a legal proceeding pertaining to insurance.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to insurance; to limit the authority of secondary legal sources pertaining to insurance in legal proceedings.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For the purposes of this section, the following words have the following meanings:

- (1) PRIMARY LEGAL SOURCE. Any of the following:
  - a. The Constitution of the United States.
  - b. The Constitution of Alabama of 2022.



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29 c. The Code of Alabama 1975.

30 d. Administrative rules adopted by an agency, board, or  
31 commission authorized under the Code of Alabama 1975, to carry  
32 out provisions of the code.

33 e. Case law adopted by the state.

34 f. The United States Code.

35 (2) SECONDARY LEGAL SOURCE. Any legal publication that  
36 is not a primary legal source, published as legal analysis,  
37 explanation, or interpretation of a primary legal source,  
38 including, but not limited to, the following:

39 a. Treatises.

40 b. Law reviews, law journals, and other scholarly  
41 publications.

42 b. Textbooks or other explanatory texts.

43 c. Restatements.

44 d. Law dictionaries and encyclopedias.

45 (b) Unless formally adopted by the Department of  
46 Insurance, a secondary legal source pertaining to insurance  
47 shall not constitute the law or public policy of the state,  
48 nor shall any secondary legal source be considered  
49 authoritative in any legal proceeding pertaining to insurance  
50 if the secondary legal source purports to create, eliminate,  
51 expand, or restrict a cause of action, right, or remedy, or if  
52 the secondary legal source conflicts with any primary legal  
53 source pertaining to insurance.

54 Section 2. This act shall become effective immediately  
55 following its passage and approval by the Governor, or its  
56 otherwise becoming law.