

1 HB477  
2 97447-1  
3 By Representatives Ward, Hill and Love  
4 RFD: Judiciary  
5 First Read: 19-FEB-08

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8 SYNOPSIS: This bill would provide that a contractor  
9 and its officers, directors, agents, or employees  
10 performing highway, road, or street repairs  
11 construction, or maintenance on behalf of the  
12 state, county, or local government shall be liable  
13 for personal injury, death, or damages arising from  
14 the construction project or roadway conditions only  
15 in the event that the contractor was guilty of  
16 willful conduct.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

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22 To provide that a contractor and its officers,  
23 directors, agents, or employees performing highway, road, or  
24 street repairs construction, or maintenance on behalf of the  
25 state, county, or local government shall be liable for  
26 personal injury, death, or damages arising from the

1 construction project or roadway conditions only in the event  
2 that the contractor was guilty of willful conduct.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. A contractor and its officers, directors,  
5 agents, or employees performing highway, road, or street  
6 repairs construction, or maintenance on behalf of the Alabama  
7 Department of Transportation, a county, or a local government  
8 shall be liable for personal injury, death, or damages arising  
9 from the construction project, roadway conditions, or work  
10 performed by the contractor only in the event that the  
11 contractor or its officers, directors, agents, or employees  
12 were guilty of willful conduct in the performance of their  
13 work. Willful conduct means a purpose or intent or design to  
14 injure another and if a contractor, its officers, directors,  
15 agents, or employees, with knowledge of the danger or peril to  
16 another, consciously pursue a course of conduct with a design,  
17 intent, and purpose of inflicting injury, then they shall be  
18 guilty of willful conduct.

19 Section 2. This act shall only apply to a cause of  
20 action occurring on and after the effective date of this act.

21 Section 3. This act shall become effective  
22 immediately following its passage and approval by the  
23 Governor, or its otherwise becoming law.