

1 SB80
2 165546-4
3 By Senator Ward
4 RFD: Judiciary
5 First Read: 03-MAR-15

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to products liability; to provide that a
12 manufacturer is not liable, regardless of the type of claims
13 or theory of liability asserted, for damages resulting from a
14 product it did not design, manufacture, sell, or lease; and to
15 provide that a manufacturer is not liable for damages if its
16 design is copied without its express authorization.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. In any civil action for personal injury,
19 death, or property damage caused by a product, regardless of
20 the type of claims alleged or the theory of liability
21 asserted, the plaintiff must prove, among other elements, that
22 the defendant designed, manufactured, sold, or leased the
23 particular product the use of which is alleged to have caused
24 the injury on which the claim is based, and not a similar or
25 equivalent product. Designers, manufacturers, sellers, or
26 lessors of products not identified as having been used,
27 ingested, or encountered by an allegedly injured party may not

1 be held liable for any alleged injury. A person, firm,
2 corporation, association, partnership, or other legal or
3 business entity whose design is copied or otherwise used by a
4 manufacturer without the designer's express authorization is
5 not subject to liability for personal injury, death, or
6 property damage caused by the manufacturer's product, even if
7 use of the design is foreseeable.

8 Section 2. This act is not intended in any way to
9 alter or affect any other principle of law, including those
10 that apply under the Alabama Medical Liability Act, Section
11 6-5-540 et seq., Code of Alabama 1975; those that apply to
12 successor entities, distributors, component manufacturers, or
13 manufacturers who use component parts in assembling products
14 for sale as complete units; or those that apply to the
15 operation of a contract, including a licensing agreement.

16 Section 3. The provisions of this act are severable.
17 If any part of this act is declared invalid or
18 unconstitutional, that declaration shall not affect the part
19 which remains.

20 Section 4. This act shall become effective six
21 months following its passage and approval by the Governor, or
22 its otherwise becoming law, and shall apply to civil actions
23 filed thereafter.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 03-MAR-15

Read for the second time and placed on the calen-
dar with 1 substitute and..... 11-MAR-15

Read for the third time and passed as amended 17-MAR-15

Yeas 32
Nays 0

Patrick Harris
Secretary