

1 HB250  
2 127141-1  
3 By Representatives Long, Baughn, Tuggle, Johnson (K) and  
4 Moore (B)  
5 RFD: Commerce and Small Business  
6 First Read: 22-MAR-11

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8 SYNOPSIS: This bill would provide that the liability  
9 and responsibility of a contractor or  
10 subcontractor, and its respective officers,  
11 directors, agents, and employees performing  
12 highway, road, or street repairs, construction, or  
13 maintenance on behalf of the state, any county, or  
14 any local government for any damages arising from  
15 the construction project or roadway conditions  
16 shall cease upon the acceptance by the Alabama  
17 Department of Transportation, the county, or the  
18 local government of the highway, road, or street  
19 project as being in substantial compliance with the  
20 contract documents, plans, and specifications  
21 governing the project.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
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1           To provide that the responsibility and liability of  
2 any contractor or subcontractor who performs highway, road, or  
3 street repairs, construction, or maintenance work for any  
4 injuries resulting from the condition of any highways, roads,  
5 or streets, which are constructed, repaired, or maintained for  
6 or on behalf of the state, any county, or any local government  
7 shall cease and be immediately terminated upon the acceptance  
8 by the Alabama Department of Transportation, the county, or  
9 the local government of the highway, road, or street project  
10 as being in substantial compliance with the contract  
11 documents, plans, and specifications governing the project.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13           Section 1. The contractual and maintenance  
14 responsibilities and civil liability of a contractor and its  
15 officers, directors, agents, and employees, or its  
16 subcontractors, and the officers, directors, agents, and  
17 employees of the subcontractor, performing highway, road, or  
18 street repairs, construction, or maintenance on behalf of the  
19 Alabama Department of Transportation, any county, or any local  
20 government shall cease and be immediately terminated upon the  
21 acceptance of the designated project as being in substantial  
22 compliance with the plans, specifications, and contractual  
23 requirements governing the project as determined by the  
24 department, the county, or the local government of the  
25 highway, road, or street project.

26           Section 2. Inasmuch as the department or other  
27 public authority is the designer and owner of the roadway, the

1 contractor or subcontractor, along with its respective  
2 officers, directors, agents, and employees, shall bear no  
3 civil liability for any alleged property damages, injury,  
4 death, or other civil remedy for allegations or claims made by  
5 non-contractual third parties arising from the design or  
6 engineering of the project by the department or regard to  
7 acceptance of the project by the department or other public  
8 agency. Any responsibility of the contractor or subcontractor  
9 and its respective officers, directors, agents, and employees  
10 for the construction, maintenance, or supervision of the road  
11 project is relieved upon the acceptance of the project as being  
12 in substantial compliance with the plans, specifications, and  
13 contractual requirements agreed upon with the department or  
14 other public owner of the project.

15 Section 3. The contractor or subcontractor,  
16 including its respective officers, directors, agents, or  
17 employees, shall bear no civil liability for any condition or  
18 defect of the roadway that is outside of the scope of the  
19 project or that arises after the department or other public  
20 agency has accepted the project as being in substantial  
21 compliance with the plans, specifications, and contractual  
22 requirements agreed upon for the project. The contractor or  
23 subcontractor shall not be responsible for the decisions of an  
24 owner as to the scope of the project or as to the maintenance  
25 responsibilities for which the public owner is responsible  
26 following substantial completion of the project.

1                   Section 4. This act shall only apply to a cause of  
2                   action which accrues, after the effective date of this act.  
3                   Pursuant to this act, a cause of action accrues at the time of  
4                   property damage or the occurrence of the injury or death that  
5                   is made the basis of a civil action.

6                   Section 5. This act shall become effective  
7                   immediately following its passage and approval by the  
8                   Governor, or its otherwise becoming law.