

1 HB382
2 174361-1
3 By Representatives Hanes, Whorton (R) and Williams (JW)
4 RFD: Agriculture and Forestry
5 First Read: 10-MAR-16

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8 SYNOPSIS: Under existing law, a person is strictly
9 liable for injury or damage to persons or domestic
10 animals of persons as a result of using traps or
11 other similar devices on public lands to take,
12 capture, or kill fur-bearing animals protected by
13 the laws of this state.

14 This bill would remove the strict liability
15 standard for injury or damage to persons or
16 domestic animals by persons using traps or other
17 similar devices on public lands.

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19 A BILL
20 TO BE ENTITLED
21 AN ACT

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23 To amend Section 9-11-264 of the Code of Alabama
24 1975, as amended by Act 2015-485, 2015 Regular Session,
25 relating to the liability for injury or damage to persons or
26 domestic animals by persons using traps or other similar

1 devices on public lands; to remove the strict liability
2 standard.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 9-11-264 of the Code of Alabama
5 1975, as amended by Act 2015-485, 2015 Regular Session, is
6 amended to read as follows:

7 "§9-11-264.

8 "Any person shall be ~~strictly~~ liable for civil
9 damages ~~who causes the~~ for causing injury or damage to any
10 person or domestic animal as a result of using any trap or
11 similar device in violation of state law or regulation on
12 public land to take, capture, or kill any of the fur-bearing
13 animals protected by the laws or regulations of this state.

14 ~~"Any person who suffers injury or damage to his~~
15 ~~person or domestic animal as a result of such activity shall~~
16 ~~have an action for civil damages and such aggrieved person~~
17 ~~need not prove negligence.~~

18 "The provisions of this section shall not apply to
19 Lawrence County."

20 Section 2. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.