

1 HB250
2 147840-1
3 By Representatives McCutcheon, Ball, Patterson, Johnson (W),
4 Hall, Williams (D), Williams (P) and Vance
5 RFD: Judiciary
6 First Read: 12-FEB-13

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8 SYNOPSIS: Under existing law, tort claims against
9 municipalities, counties, and other local
10 governmental entities for damages caused by a
11 negligent or wrongful act of an employee of the
12 governmental entity are limited.

13 This bill would specify that the definition
14 of a governmental entity for the purposes of this
15 law would include a water, sewer, or fire
16 protection authority.

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18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 To amend Section 11-93-1, Code of Alabama 1975,
23 limiting tort claims for damages against local governmental
24 entities, to specify that the definition of governmental
25 entity includes a water, sewer, or fire protection authority.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 11-93-1, Code of Alabama 1975, is
2 amended to read as follows:

3 "§11-93-1.

4 "For the purposes of this chapter, the following
5 terms shall have the meanings ascribed to them by this
6 section:

7 "(1) GOVERNMENTAL ENTITY. Any incorporated
8 municipality, any county, and any department, agency, board,
9 or commission of any municipality or county, municipal or
10 county public corporations, and any such instrumentality or
11 instrumentalities acting jointly. "Governmental entity" shall
12 also include county public school boards, municipal public
13 school boards and city-county school boards when such boards
14 do not operate as functions of the State of Alabama.

15 "Governmental entity" shall also mean county or city hospital
16 boards when such boards are instrumentalities of the
17 municipality or county or organized pursuant to authority from
18 a municipality or county. "Governmental entity" shall also
19 mean and include any public corporation organized pursuant to
20 Chapter 88, Title 11.

21 "(2) EMPLOYEE. An officer, official, employee, or
22 servant of a governmental entity, including elected or
23 appointed officials, and persons acting on behalf of any
24 governmental entity in any official capacity, temporarily or
25 permanently, in the service of the governmental entity,
26 whether with or without compensation, but the term "employee"
27 shall not mean a person or other legal entity while acting in

1 the capacity of an independent contractor under contract to
2 the governmental entity to which this chapter applies in the
3 event of a claim.

4 "(3) BODILY INJURY. Any bodily injury, sickness,
5 disease, or death sustained by any person or caused by an
6 occurrence.

7 "(4) PROPERTY DAMAGE. Injury or destruction to
8 tangible property caused by an occurrence.

9 "(5) CLAIM. Any claim against a governmental entity,
10 for money damages only, which any person is legally entitled
11 to recover as damages caused by bodily injury or property
12 damage caused by a negligent or wrongful act or omission
13 committed by any employee of the governmental entity while
14 acting within the scope of his or her employment, under
15 circumstances where the governmental entity, if a private
16 person, would be liable to the claimant for such damages under
17 the laws of the State of Alabama."

18 Section 2. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.