SYNOPSIS: Under existing law, employees of a local governmental entity may be sued personally for actions taken within the course and scope of their employment.

This bill would provide that an employee of a local governmental entity would not be personally liable for an act in the course and scope of his or her employment unless the employee acted in bad faith or acted in a willful or wanton manner.

A BILL TO BE ENTITLED
AN ACT

To add Section 11-93-4 to the Code of Alabama 1975, relating to local government; to provide further for the civil liability of employees of local governmental entities for acts in the course and scope of employment.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
Section 1. Section 11-93-4 is added to the Code of Alabama 1975, to read as follows:

§11-93-4.

(a) No employee, as defined in this chapter, shall be held personally liable in tort or named as a party defendant in any action for injury or damage suffered as a result of any act, event, or omission of action in the course and scope of his or her employment or function, unless such employee acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(b) The exclusive remedy for injury or damage suffered as a result of an act, event, or omission by an employee shall be by action against the governmental entity unless such act or omission was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard for human rights, safety, or property. A governmental entity shall not be liable in tort for the acts or omissions of an employee while acting outside the course and scope of his or her employment or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

(c) For purposes of this chapter, an employee is deemed to be within the course and scope of employment if he or she is within the period of his or her employment, at a place where he or she may reasonably be and while he or she is reasonably fulfilling the duties of his or her employment or
engaged in doing something incident to it. Further, it shall
be a rebuttable presumption that any act or omission of an
employee within the time and at the place of his or her
employment is within the course and scope of his or her
employment.

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