

1 HB329
2 165762-1
3 By Representative Henry
4 RFD: Judiciary
5 First Read: 19-MAR-15

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8 SYNOPSIS: The commencement of a civil action on legal
9 services liability has limits set by law.

10 This bill would delete a four-year limit.

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12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 To amend Section 6-5-574, Code of Alabama 1975,
17 relating to time limits on civil action on legal service
18 liability claims; to provide further for such limitations.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 6-5-574, Code of Alabama 1975, is
21 amended to read as follows:

22 "§6-5-574.

23 "(a) All legal service liability actions against a
24 legal service provider must be commenced within two years
25 after the act or omission or failure giving rise to the claim,
26 and not afterwards; provided, that if the cause of action is
27 not discovered and could not reasonably have been discovered

1 within such period, then the action may be commenced within
2 six months from the date of such discovery or the date of
3 discovery of facts which would reasonably lead to such
4 discovery, whichever is earlier; ~~provided, further, that in no~~
5 ~~event may the action be commenced more than four years after~~
6 ~~such act or omission or failure; except, that an act or~~
7 ~~omission or failure giving rise to a claim which occurred~~
8 ~~before August 1, 1987, shall not in any event be barred until~~
9 ~~the expiration of one year from such date.~~

10 "(b) Subsection (a) of this section shall be subject
11 to all existing provisions of law relating to the computation
12 of statutory periods of limitations for the commencement of
13 actions, namely, Sections 6-2-1, 6-2-2, 6-2-3, 6-2-5, 6-2-6,
14 6-2-8, 6-2-9, 6-2-10, 6-2-13, 6-2-15, 6-2-16, 6-2-17, 6-2-30,
15 and 6-2-39; provided, that notwithstanding any provisions of
16 such sections, no action shall be commenced more than four
17 years after the act, omission, or failure complained of;
18 except, that in the case of a minor under four years of age,
19 such minor shall have until his or her eighth birthday to
20 commence such action."

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