

1 HB386  
2 146330-2  
3 By Representative Lee  
4 RFD: Ways and Means Education  
5 First Read: 05-MAR-13

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8 SYNOPSIS: Existing law does not require a person,  
9 enterprise, agency, or entity that sells swimming  
10 pools to the general public for use in a one-family  
11 or two-family dwelling structure to advise the  
12 owner of the structure to install a pool alarm in  
13 the swimming pool.

14 This bill would encourage each person,  
15 enterprise, agency, or entity that sells swimming  
16 pools to the general public for use in a one-family  
17 or two-family dwelling structure to advise the  
18 owner of the structure to install a pool alarm in  
19 the swimming pool.

20 This bill would exempt from civil liability  
21 a person who sells a swimming pool for residential  
22 use even if the buyer of the pool was not  
23 encouraged to install a pool alarm.

24 This bill would provide that each pool alarm  
25 purchased for installation in a swimming pool shall  
26 be exempt from sales or use tax if the purchaser

1 certifies that the alarm is purchased for  
2 installation in a swimming pool.

3 This bill would require the Department of  
4 Revenue to promulgate rules for the enforcement of  
5 this act.

6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to swimming pools; to encourage each  
12 person, enterprise, agency, or entity that sells swimming  
13 pools to the general public for use in a one-family or  
14 two-family dwelling structure to advise the owner of the  
15 structure to install a pool alarm in the swimming pool; to  
16 provide exemption from civil liability for the seller of a  
17 swimming pool who did not advise the buyer of the pool to  
18 install an alarm; to provide that each pool alarm purchased  
19 for installation in a swimming pool shall be exempt from sales  
20 or use taxes if the purchaser certifies that the alarm is  
21 purchased for installation in a residential dwelling; to  
22 require the Department of Revenue to promulgate rules for the  
23 enforcement of this act.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. As used in this act, the following words  
26 shall have the following meanings:

1           (1) POOL ALARM. A device which emits a sound of at  
2           least 50 decibels when a person or an object weighing 15  
3           pounds or more enters the water in a swimming pool, but shall  
4           not include, swimming protection alarm devices designed for  
5           individual use, such as an alarm attached to a child that  
6           sounds when the child exceeds a certain distance or becomes  
7           submerged in water.

8           (2) RESIDENTIAL DWELLING. A one-family or two-family  
9           dwelling structure.

10          (3) SWIMMING POOL. A structure that is intended for  
11          swimming or recreational bathing and contains water over 36  
12          inches deep including, but not limited to, in-ground,  
13          aboveground, and on-ground swimming pools; hot tubs; and  
14          nonportable spas which are located outside of the residential  
15          dwelling and are not attached in any way to the dwelling.

16          Section 2. (a) Each person, enterprise, agency, or  
17          entity that purchases or acquires a swimming pool to be  
18          installed after the effective date of this act is advise to  
19          encourage the owner of the swimming pool to install a pool  
20          alarm before using or making available for use such swimming  
21          pool.

22          (b) The seller of a swimming pool shall be exempt  
23          from civil liability if he or she did not advise the buyer of  
24          the pool to install a pool alarm.

25          Section 3. (a) Each pool alarm purchased for  
26          installation in a swimming pool shall be exempt from sales or

1 use taxes if the purchaser certifies that the alarm is  
2 purchased for installation in a residential dwelling.

3 (b) The forms shall be prepared by the Department of  
4 Revenue and the department shall promulgate and enforce rules  
5 concerning the filing of the forms and the verification of the  
6 exemption claimed by a person, enterprise, agency, or entity  
7 that sells swimming pools to the general public.

8 Section 4. This act shall become effective on the  
9 first day of the third month following its passage and  
10 approval by the Governor, or its otherwise becoming law.