

118TH CONGRESS
1ST SESSION

H. R. 2542

To preclude absolute liability in any action against a property owner or contractor for projects receiving Federal financial assistance for infrastructure and transportation development, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2023

Mr. WILLIAMS of New York (for himself, Ms. TENNEY, and Mr. LANGWORTHY) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To preclude absolute liability in any action against a property owner or contractor for projects receiving Federal financial assistance for infrastructure and transportation development, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Infrastructure Expan-
5 sion Act of 2023”.

1 **SEC. 2. PRESERVATION OF FEDERAL FINANCIAL ASSIST-**
2 **ANCE FOR INFRASTRUCTURE AND TRANS-**
3 **PORTATION DEVELOPMENT.**

4 (a) **NO ABSOLUTE LIABILITY ON CERTAIN**
5 **PROJECTS.**—For any project for which Federal financial
6 assistance is used, directly or indirectly, no action on the
7 basis of absolute liability may be instituted by a covered
8 person against a property owner or a party to a contract
9 relating to the property that is the subject of the project
10 for any injury associated with an elevation or gravity re-
11 lated risk occurring on that project.

12 (b) **COMPARATIVE NEGLIGENCE LIABILITY STAND-**
13 **ARD FOR CERTAIN CLAIMS.**—For any project for which
14 Federal financial assistance is used, a State shall apply
15 to any claim brought by a covered person against a prop-
16 erty owner or contractor for an injury associated with an
17 elevation or gravity related risk a comparative negligence
18 liability standard that considers the comparative neg-
19 ligence of the injured person for any claim in which—

20 (1) such negligence is a proximate cause of an
21 injury to a person; and

22 (2) State law would otherwise apply absolute li-
23 ability as the basis for such claim.

24 (c) **DEFINITIONS.**—In this section:

25 (1) The term “absolute liability” means liability
26 for a personal injury or death that is imposed with-

1 out consideration of the responsibility of the injured
2 person, including failure to follow safety instructions
3 or safe work practices in accordance with training
4 provided, failure to utilize provided safety equipment
5 or devices, impairment by the use of drugs or alco-
6 hol, or involvement in a criminal act, when such fail-
7 ure, impairment, or act is a proximate cause of an
8 injury to such person.

9 (2) The term “covered person” means any per-
10 son who supervises or performs any work on or who
11 is otherwise affiliated with a project.

12 (3) The term “elevation or gravity related risk”
13 means a hazard related to the effects of gravity ei-
14 ther due to the difference between the elevation level
15 of the required work and a lower level or a dif-
16 ference between the elevation level where the worker
17 is positioned and the higher level of the materials or
18 load being hoisted or secured.

19 (4) The term “project” means the erection,
20 demolition, repairing, altering, painting, cleaning or
21 pointing of a highway, bridge, tunnel, airport, rail-
22 way, bus or railroad station, depot, pier, building, or
23 any other structure owned or operated by the Fed-
24 eral Government or for which Federal financial as-
25 sistance is used.

1 (5) The term “State” includes a port authority,
2 transit agency, public toll authority, metropolitan
3 planning organization, or other political subdivision
4 of a State or local government.

5 (d) WORKERS’ COMPENSATION LAWS.—Nothing in
6 this section shall be construed to preempt any law of a
7 State providing for workers’ compensation.

8 (e) EFFECTIVE DATE.—This section applies to
9 claims arising from projects in which a State or local gov-
10 ernment accepts Federal financial assistance on or after
11 January 1, 2025.

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