

115TH CONGRESS  
1ST SESSION

# H. R. 3808

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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2017

Mr. FASO introduced the following bill; which was referred to the Committee on the Judiciary

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## 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 2017”.

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

4 (a) **NO ABSOLUTE LIABILITY ON PROJECTS RECEIV-**  
5 **ING FEDERAL FINANCIAL ASSISTANCE.**—For any project  
6 for which Federal financial assistance is used, directly or  
7 indirectly, no action on the basis of absolute liability may  
8 be instituted by a covered person against a property owner  
9 or a party to a contract relating to the property that is  
10 the subject of the project for any injury associated with  
11 an elevation or gravity related risk occurring on that  
12 project. For any project for which Federal financial assist-  
13 ance is used, a State shall, for any claim brought by a  
14 covered person otherwise available against a property  
15 owner or contractor for any injury associated with an ele-  
16 vation or gravity related risk, apply a comparative neg-  
17 ligence liability standard that considers the comparative  
18 negligence of the injured person, when such negligence is  
19 a proximate cause of an injury to a person.

20 (b) **DEFINITIONS.**—In this section:

21 (1) The term “absolute liability” means liability  
22 for a personal injury or death that is imposed with-  
23 out consideration of the responsibility of the injured  
24 person, including failure to follow safety instructions  
25 or safe work practices in accordance with training  
26 provided, failure to utilize provided safety equipment

1 or devices, impairment by the use of drugs or alco-  
2 hol, or involvement in a criminal act, when such fail-  
3 ure, impairment, or act is a proximate cause of an  
4 injury to such person.

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

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

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

22 (5) The term “State” includes a port authority,  
23 transit agency, public toll authority, metropolitan  
24 planning organization, or other political subdivision  
25 of a State or local government.

1           (c) WORKERS' COMPENSATION LAWS.—Nothing in  
2 this section shall be construed to preempt any law of a  
3 State providing for workers' compensation.

4           (d) EFFECTIVE DATE.—This section applies to  
5 claims arising from projects in which a State or local gov-  
6 ernment accepts Federal financial assistance on or after  
7 January 1, 2018.

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