I recently visited a small municipality that’s been having problems with people speeding on the main road through town. In an attempt to force drivers to slow down, the municipality installed speed bumps along a section of the roadway in question. While it seems like a good idea, installing speed bumps raises liability issues such as the town’s liability for damage done to cars while passing over these speed bumps and the ramifications of slowing down emergency response vehicles.

So what is your potential liability exposure if you have speed bumps on your roads? The short answer is that speed bumps do expose a municipality to potential liability for damage to cars. It’s easy for someone to prove their car was damaged but not so easy for the city to prove that it was their excessive speed over the bumps that caused the damage. The first step in helping to reduce this exposure is to contract out the design, construction and installation of all speed bumps so they comply with a recognized “standard.” The second step is to provide adequate warning of their existence in the form of signs and road markings in order to minimize exposure for damage claims.

The question of liability for the subsequent impact on emergency response vehicles is much harder to answer. At this time, our legal department is not aware of any reported court decisions in Alabama that would set a clear precedence as to legal liability of the municipality. Consequently, when our attorneys are asked their opinion on the use of speed bumps, they discourage their use because of the potential for liability.

You may see speed bumps everywhere, but it’s definitely worth taking adequate time to weigh the pros and cons of installing such devices. They may create even more bumps in the road than you bargained for!

Richard Buttenshaw, Loss Control Representative
A Bluefire(TM) wireless technology weapon simulator that incorporates features previously available only on tethered weapons. A Bluefire Chemical Spray and Taser are also included with this system as well as the latest in new scenarios.

In an effort to make training more realistic, FATS virtual weapons resemble the fit and function of live weapons to include recoil. FATS virtual training provides accurate, real-time diagnostics including point-of-aim, weapon status, trigger pressure and cant. Since there is no cord attached, the Bluefire Glock 17 improves training value by allowing realistic freedom of movement and magazine reloading. The number of rounds in the Bluefire Glock 17 magazine replicates the number of rounds in the actual weapon. The simulator must also be reloaded with a new magazine each time the magazine is emptied.

Loss Control Representative Todd McCarley is the League’s FATS coordinator and is responsible for training AMIC/MWCF members with this new system. If you are interested in scheduling FATS in your area, please contact Donna Wagner, Loss Control Coordinator, at 334-262-2566.
Many cities and towns have civic centers or recreation halls they occasionally rent to the public for functions such as family reunions, wedding receptions or birthday parties. Thankfully, most have some form of rental agreement outlining the rules and responsibilities for renting the facility. Even so, how many of you consider the insurance coverage necessary for special events held at your facilities?

Fortunately, under your General Liability policy the municipality is covered should something unfortunate happen during the special event. However, the coverage only applies to the municipality, NOT the person who rented the facility for the event. So let’s imagine Jane is getting married and she rents a room at your city’s civic center for the reception. During that reception a guest gets hurt and subsequently files a lawsuit. The good news for the city is that their normal liability policy will cover the municipality. However, if a suit is also filed against Jane, who covers her? Unfortunately, she probably (mistakenly) thinks the city’s insurance covers her as well. Wrong! It only covers the municipality. Her next hope is that her personal homeowner’s policy will cover the unfortunate incident. It may; however, that depends on her homeowner’s policy. If her homeowner’s policy doesn’t offer coverage, poor Jane will be left on her own with no coverage at all.

Thankfully, it’s not all bad news. There are special insurance policies available designed specifically for people like Jane. Often called “special events policies” or TULIPs (Tenant Users Liability Insurance Programs), these policies are designed to cover a single event or function. Unfortunately, however, insurance is probably the last thing on Jane’s mind while she’s planning her wedding.

Now you may be thinking to yourself, why are we worried about Jane if we, the municipality, already has coverage? Well, first of all consider it a free service you are offering to people like Jane by informing them that they need special insurance for a special event. Second, your city should probably be added as an additional insured on the special events policy. That way if something unfortunate and unforeseen does happen, the special events policy pays out first to cover all claims — including the city’s — related to the event, and the city’s normal liability policy will only be required to pay if the claim exceeds the special events policy limits.

What does that mean? Well, it means your premiums will not go up due to claims paid arising from special events that really had nothing to do with you. So, in a nutshell, Jane pays a small premium for the special events policy; she gets personal protection during the event; and the city gets coverage for free and might not even have to use its own insurance. Also, consider how much confusion, arguments and ill feeling the purchase of a TULIP could potentially avoid should something happen. It’s a win-win situation.

So how do these special events policies work? The most important thing to remember is these policies should be required and should be purchased when the event is booked. Before the event is booked, you should contact your local agent or AMIC directly to find out what policy options are available. That way when Jane comes in to book the civic center for her wedding reception, you will have all the necessary information and details ready for her. In fact most TULIPs are preset by the city and all Jane would have to do is go online to answer a few simple questions about the particular event and then pay for the policy with a credit card. The system would then automatically send out certificates of insurance to both the municipality and to Jane. It’s a simple, hassle-free endeavor for everyone.

Cigarettes: The Effect of the New York State Cigarette Fire Safety Standard on Ignition Propensity, Smoke Toxicity and the Consumer Market” compared the physical properties of cigarettes sold in New York with cigarettes of the same brands sold in Massachusetts and California (before MA and CA implemented fire-safe cigarette laws). The report found that New York cigarettes were far less likely to exhibit full length burns (only 10 percent) than those of the other states (99.8 percent). The HSPH researchers found no valid reason why cigarette manufacturers should not sell lower ignition strength cigarettes nationwide. The Harvard study confirmed the 20-year-old conclusion of the Federal Technical Study Group on Cigarette Marshals. Conclusion, the Harvard study makes clear, the federal study was correct, and the tobacco industry can make reduced ignition strength cigarettes if it chooses to do so or is required to do so.
2008 SkidCar Schedule

- Thomasville    July 8 – 18
- Fort McClellan  July 29 – August 8
- Decatur         August 19 – 29
- Muscle Shoals   September 8 – 19
- Ashland         October 7 – 17
- Fort Payne      October 28 – 31
- Orange Beach    November 11 – 21
- Montgomery      December 9 – 19

For more information, contact Donna Wagner at 334-262-2566.

Popular Safety DVDs

New DVDs:
7.102  Horizontal Directional Drilling: Safe Work Practices
7.103  UCA Safety DVD (Auger Boring, General Construction Site, Hazmat, Heavy Equipment Operations, Pipe Handling, Flagging Safety, Trench Shoring, Tunneling Safety)

Summer DVDs:
5.006  Cutting It Short, Part 1 (Cutting Grass)
5.007  Cutting It Short, Part 2 (Cutting Grass)
5.032  Right-Of-Way Mowing Safety
5.039  Tractor Safety
5.053  Landscaping Equipment: Safety and Maintenance
7.029  Outdoor Safety: Critters and Plants
7.067  Responding to Bites and Stings
7.079  Tree Trimming Safety
7.080  Chainsaw Safety
7.083  Inspecting Playgrounds for Safety
7.084  Softball & Baseball Field Maintenance & Safety
7.089  Working Safely in Hot Environments
7.097  Heat Stress: Staying Healthy, Working Safely

Call, FAX or e-mail your video/dvd request to Rachel Wagner at: 334-262-2566; rachelw@alalm.org; or FAX at 334-263-0200.

EMPLOYMENT PRACTICES LAW HOTLINE

1-800-864-5324

Through a toll-free Employment Practices Law Hotline, members can be in direct contact with an attorney specializing in employment-related issues. When faced with a potential employment situation, the hotline provides a no-cost, 30 minute consultation.

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