

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning;

A. Cave--Any natural subterranean cavity that is at least 50 feet in length or depth, or any combination of length and depth or that contains obligatory caverniculous fauna (animals obliged to live underground). The word "cave" includes but is not limited to cavern, pit, pothole, well (natural), sinkhole and/or grotto.

B. Speleothems--A natural secondary mineral deposit or formation in a cave. This includes but is not limited to deposits called stalactites, stalagmites, helictites, anthodites, gypsum flowers, needles, or angels hair, soda straws, draperies, bacon, cave pearls, popcorn, rimstone dams, columns, palettes, and flowstone. Speleothems are commonly composed of calcite, aragonite, epsomite, gypsum, celestite, and other similar minerals.

C. Commercial Cave--Any cave or portion of a cave that is improved with trails and lighting utilized by the owner or lessee for the purpose of exhibition to the public as a profit or nonprofit enterprise.

D. Wild Cave--Any cave or portion of a cave that is not a commercial cave.

Section 2. A. While engaged in cave related activities, no person or organization or formal or informal group of persons in the company of other persons whether he or they be leading, accompanying, or in the area with the other person, shall be held liable for injuries or the results of actions by said other person, unless said other person acted as a result of an act or order issued by the first person intended to inflict injury.

B. Each person in a group engaged in cave related activities is individually responsible for evaluating the safety of group equipment which that person intends to use, such as ropes, rigging, anchor devices, climbing gear and similar equipment. The club, organization, group leader, organizer, or person owning or emplacing such gear or equipment shall not be held liable for failure of any such equipment or gear or its emplacement, except, if the rigging or equipment is altered after the person injured has had an opportunity to inspect it.

Section 3. It shall be unlawful and constitute a misdemeanor for any person, organization, firm or corporation, including any officer, agent or employee of any town or municipality to:

- a. Maliciously break, break off, crack, carve upon, write, burn, damage or otherwise mar or mark on, remove, or in any manner destroy, disturb, deface, mar or harm the walls or any speleothems in any cave, except for recognized scientific purposes.
- b. Discard litter or refuse to any degree in any cave.
- c. Break, force, tamper with, remove, or otherwise disturb a lock, gate, door, or other structure or obstruction designed to control or prevent access to any cave, unless such act is specifically ordered by the owner.
- d. Offer for sale any speleothems or export from the State of Alabama any speleothems for sale elsewhere.
- e. Remove, kill, harm or disturb any plant or animal life found within any wild cave, except for recognized scientific purposes.
- f. The provisions and subsections a through e of this section shall not apply to a recognized rescue unit operating in response to any emergency or believed emergency.

Section 4. It shall be unlawful and constitute a misdemeanor for any person, organization, firm, corporation, including any officer, employee, or agent of any town or municipality to risk the pollution of the underground water resources of the state by storing, dumping, disposing, or otherwise placing in caves, sinkholes or natural wells: chemicals, refuse, dead animals, garbage or other materials which are potentially injurious or hazardous to the quality of the aquifer, water and/or water table.

Section 5. A. Violations of the misdemeanor provisions of this act shall incur the following penalties:

1. First offense: Class C misdemeanor.
2. Second offense: A Class B misdemeanor.
3. Subsequent offenses: A Class A misdemeanor.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its