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Summary of Changes and Sectional Analysis Between SB 78\M and CS for SB 78\I

This document is an identification of the changes between W.O. 27-LS0282\M and W.O. 27-LS0282\I. It also provides a sectional analysis of Version I.

The CS for SB 22 adds new language in the title of SB 78. It adds “; and relating to accidents involving the vehicle of a person under the influence of alcoholic beverages.”

Section 1 in the CS is unchanged. Currently, Title 4 treats limited liability companies (LLCs) differently than how LLCs are treated elsewhere in Alaska law regarding non-liability of shareholders. Section 1 deletes reference to LLCs and foreign LLCs from AS 04.21.035, thereby allowing members of LLCs to rely on AS 10.50.265 for purposes of liability when the LLC holds a liquor license under Title 4 and allows LLCs to be treated consistently in Alaska law.

The CS adds Section 2, which adds a new section to AS 09.65 that relates to damages resulting from driving the vehicle of a person under the influence of an alcoholic beverage. Section 09.65.315 (a) gives five conditions under which a person is not liable beyond the limits of any applicable insurance policy purchased by or on behalf of the owner of the vehicle for damages resulting from a motor vehicle accident.

Section 09.65.315(b) states that the taxicab company, drivers and the person who makes arrangements for transportation are not liable for damages resulting from a motor vehicle accident if they meet described under Section 09.65.315(a).

Section 09.65.315(c) outlines that this statute would not preclude liability for civil damages in cases of gross negligence, reckless or intentional misconduct. It also does not limit the ability of a person to recover damages under any applicable uninsured or underinsured motor vehicle insurance coverage or under any applicable liability insurance coverage purchased by or on behalf of the person being transported.

Section 09.65.315(d) defines what is considered consent to another person to drive the owner's motor vehicle.

Section 09.65.315(e) points to where the definitions of "controlled substance", "inhalant" and "licensed premises" can be found in Alaska Statutes.

The CS adds Section 3, which dictates that Section 2 applies to a civil action that accrues on or after the effective date of this Act.