

2d CONFERENCE CS FOR HOUSE BILL NO. 127
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE CONFERENCE COMMITTEE

Offered: 5/8/01

Sponsor(s): REPRESENTATIVES HARRIS, Foster, Morgan, Dyson, Bunde

SENATOR Olson

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to aviation and to emergency equipment to be carried on aircraft."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 02.10.010 is amended to read:

4 **Sec. 02.10.010. Supervision over aeronautics and communication.** (a) The
5 **Department of Transportation and Public Facilities** [DEPARTMENT] shall
6 supervise aeronautics and communications inside the state, and shall make
7 recommendations for the establishment, location, maintenance, operation, and use of
8 airports, landing fields, air markings, air beacons, and other navigation facilities [,
9 AND FOR THE ESTABLISHMENT, OPERATION, MANAGEMENT, AND
10 EQUIPMENT OF ALL AIR SCHOOLS, FLYING CLUBS, AND OTHER
11 PERSONS GIVING AIR INSTRUCTION].

12 (b) The department shall, whenever it considers the action necessary in the
13 interest of general safety or the safety of those engaged in aeronautics, adopt

1 regulations establishing minimum standards with which all air navigation facilities [,
 2 AIR SCHOOLS, AND FLYING CLUBS] shall comply, and shall adopt and enforce
 3 regulations to safeguard from accident and to protect the safety of persons operating or
 4 using aircraft and persons and property on the ground, and to develop and promote
 5 aeronautics and communications in the state. However, the regulations may not
 6 duplicate or conflict with the aeronautical and communications regulations **adopted**
 7 [IN FORCE] by the **United States** Department of **Transportation or** [COMMERCE
 8 OF THE UNITED STATES,] the Federal Communications Commission [OR THE
 9 PROVISIONS OF THE FEDERAL AIR COMMERCE ACT OF 1926].

10 * **Sec. 2.** AS 02.10.010 is amended by adding a new subsection to read:

11 (c) The department shall adopt regulations governing the proper protection of
 12 the records of the proceedings of the department and the filing and publicizing of its
 13 regulations so that they are accessible to and generally known by the interested public.

14 * **Sec. 3.** AS 02.15.090 is amended by adding new subsections to read:

15 (f) The department shall require as a term of all aviation-related contracts,
 16 leases, and other arrangements for use or occupancy of an airport operated by the
 17 department, including the international airports, that the parties to the contract, lease,
 18 or other arrangement, including the department, shall be required to reimburse each
 19 other according to the principles of comparative fault for amounts paid others for
 20 personal injury and property damage. The apportionment of liability among the
 21 parties to an agreement under this subsection may not affect the rights of persons who
 22 are not parties to the agreement.

23 (g) If the department determines that it is in the best interests of the state to
 24 require that persons holding aviation-related leases, permits, or concession contracts
 25 for use or occupancy of an airport operated by the department, including international
 26 airports, provide insurance coverage, the department shall develop and adopt by
 27 regulation guidelines for the types and limits of insurance coverage required for
 28 aviation-related leases, permits, or concession contracts. The department may
 29 authorize a variation from the coverage required by the regulation if the department
 30 finds in writing that the variation is necessary considering the best interests of the state
 31 and the unique circumstances underlying a specific aviation-related lease, permit, or

1 concession contract.

2 * **Sec. 4.** AS 02.20.050(a) is amended to read:

3 (a) A person may not place an object on the surface of a public use [OR
4 PRIVATE] airport that because of its nature or location might cause injury or damage
5 to an aircraft or person riding in the aircraft.

6 * **Sec. 5.** AS 02.20.050(b) is amended to read:

7 (b) A person may not dig a hole or make any kind of excavation, or drive a
8 sled, tractor, truck, or any kind of vehicle upon the surface of a public use [AN]
9 airport that might make ruts, or tracks, or add to an accumulation of tracks so as to
10 cause sufficient roughness of the surface to endanger aircraft using the airport.

11 * **Sec. 6.** AS 02.20.050 is amended by adding a new subsection to read:

12 (d) Unless closed for public safety reasons by a notice to airmen (NOTAM)
13 provided to the Federal Aviation Administration or by publication in the appropriate
14 aeronautical charts and publications published by the Federal Aviation Administration,
15 unless closed or restricted under the authority provided in AS 16.05.050, 16.05.251,
16 16.05.255, 16.05.270, AS 16.20.010 - 16.20.162, or 16.20.500 - 16.20.690, or unless
17 closed or restricted under authority consistent with AS 38.04.200 or AS 41.21.020(e),
18 navigable water in the state or a suitable landing site on public land that is not subject
19 to a surface lease, easement, or permit issued by the Department of Natural Resources
20 is presumed open for operation of aircraft.

21 * **Sec. 7.** AS 02.30.030(a) is amended to read:

22 (a) A person may not operate an aircraft in the air or on the ground or water in
23 [VIOLATION OF AS 28.35.030, NOR OPERATE AN AIRCRAFT IN THE AIR OR
24 ON THE GROUND OR WATER IN] a careless or reckless manner so as to endanger
25 the life or property of another. In a proceeding charging careless or reckless operation
26 of aircraft in violation of this section, the court, in determining whether the operation
27 was careless or reckless, shall consider the standards for safe operation of aircraft
28 prescribed by federal statutes or regulations governing aeronautics.

29 * **Sec. 8.** AS 02.30.030(b) is amended to read:

30 (b) A person may not operate an aircraft occupied by a crew member or
31 passenger who is obviously under the influence of intoxicating liquor or a controlled

1 **substance** [HABIT-FORMING DRUGS].

2 * **Sec. 9.** AS 02.30.040 is amended to read:

3 **Sec. 02.30.040. Penalties.** A person violating a provision of this chapter is
 4 guilty of a misdemeanor and upon conviction is punishable by a fine of not more than
 5 **\$1,000** [\$500 UNLESS THAT PERSON IS CONVICTED OF A VIOLATION OF
 6 AS 28.35.030, IN WHICH CASE THE SENTENCE SHALL BE IN ACCORDANCE
 7 WITH AS 28.35.030].

8 * **Sec. 10.** AS 02.35.110(a) is amended to read:

9 (a) An airman may not make a flight inside the state with an aircraft unless
 10 emergency equipment is carried as follows:

11 (1) the following minimum equipment must be carried during the
 12 summer months:

13 (A) **rations** [FOOD] for each occupant sufficient to sustain life
 14 for **one week** [TWO WEEKS];

15 (B) one axe or hatchet;

16 (C) one first aid kit;

17 (D) [ONE PISTOL, REVOLVER, SHOTGUN, OR RIFLE,
 18 AND AMMUNITION FOR SAME;

19 (E) ONE SMALL GILL NET, AND] an assortment of tackle
 20 such as hooks, flies, lines, **and** sinkers [, ETC.];

21 **(E)** [(F)] one knife;

22 **(F)** [(G)] **fire starter** [TWO SMALL BOXES OF
 23 MATCHES];

24 **(G)** [(H)] one mosquito headnet for each occupant;

25 **(H)** [(I)] two small signaling devices such as colored smoke
 26 bombs, railroad fuses, or Very pistol shells, in sealed metal containers;

27 (2) in addition to the equipment required under (1) of this **subsection**
 28 [SECTION], the following must be carried as minimum equipment from October 15 to
 29 April 1 of each year:

30 (A) one pair of snowshoes;

31 (B) one sleeping bag;

(C) one wool blanket or equivalent for each occupant over four.

* **Sec. 11.** AS 02.35.120 is amended to read:

Sec. 02.35.120. Penalties for violation of chapter except AS 02.35.090 and 02.35.110. A person who acts as an airman for a civil aircraft when flown or operated in this state [, EXCEPT AS PROVIDED IN AS 02.35.080 AND 02.35.100,] without holding an existing airman's license or permit issued in accordance with [THIS CHAPTER AND] federal law, [; OR] who flies or causes to be flown in this state any civil aircraft [, EXCEPT AS PROVIDED IN AS 02.35.080 AND 02.35.100,] without an existing license or permit for that aircraft issued in accordance with [THE PROVISIONS OF THIS CHAPTER AND] federal law, [;] or who violates a provision of [THIS CHAPTER OTHER THAN AS 02.35.090 OR 02.35.110 OR] a regulation adopted under this chapter [,] is punishable by a fine of not more than \$500 or by imprisonment for not more than six months or by both.

* **Sec. 12.** AS 09.65 is amended by adding a new section to read:

Sec. 09.65.093. Civil liability relating to aircraft runways, airfields, and landing areas. (a) A natural person who without compensation maintains or repairs an aircraft runway, airfield, or landing area may not be held civilly liable, except for an act or omission that constitutes gross negligence or recklessness or intentional misconduct, for the injury to or death of a person or for damage to an aircraft, resulting from the use of the runway, airfield, or landing area to take off, land, or operate an aircraft.

(b) A natural person who is the owner or operator of an aircraft runway, airfield, or landing area that is located on private land is not civilly liable, except for an act or omission that constitutes gross negligence or recklessness or intentional misconduct, for the injury to or the death of a person or for damage to an aircraft, resulting from the use or attempted use of the runway, airfield, or landing area to take off, land, or operate an aircraft while the runway, airfield, or landing area is

(1) marked as closed by placement of a large "X" that is readily visible from the air; and

(2) listed as closed in the appropriate aeronautical charts and

publications published by the Federal Aviation Administration.

* **Sec. 13.** AS 11.46.130(b)(2) is amended to read:

(2) "aircraft safety or survival equipment" means equipment required to be carried on an aircraft under [AS 02.30.010 OR] AS 02.35.110;

* **Sec. 14.** AS 02.10.020, 02.10.030, 02.10.040(1), 02.10.060, 02.10.070, 02.10.080, 02.10.090; AS 02.15.010(1), 02.15.050(d), 02.15.170, 02.15.205, 02.15.220(b), 02.15.225; AS 02.20.010, 02.20.020, 02.20.030, 02.20.040, 02.20.070; AS 02.25.080; AS 02.30.010, 02.30.030(c), 02.30.030(d); AS 02.35.010, 02.35.020, 02.35.030, 02.35.040, 02.35.050, 02.35.060, 02.35.070, 02.35.080, 02.35.100, 02.35.115, and 02.35.140 are repealed.

* **Sec. 15.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) AS 02.15.090(f) and (g), added by sec. 3 of this Act, apply to aviation-related contracts, concession contracts, leases, permits, and other aviation-related arrangements for use or occupancy of an airport operated by the Department of Transportation and Public Facilities, including the international airports, that are entered into after the effective date of this Act.

(b) AS 02.15.090(f) and (g), added by sec. 3 of this Act, apply to an aviation-related contract, concession contract, lease, permit, or other aviation-related arrangement for use or occupancy of an airport operated by the Department of Transportation and Public Facilities, including the international airports, that exists on the effective date of this Act if

(1) the parties to the agreement agree to modification of the agreement to conform to provisions of AS 02.15.090(f) and (g), added by sec. 3 of this Act, and the regulations adopted under AS 02.15.090(f) and (g), added by sec. 3 of this Act; or

(2) the unilateral modification of the agreement by the department is consistent with the Constitution of the State of Alaska.

* **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. Section 12 of this Act applies to a civil action that accrues on or after the effective date of this Act.