

LEGAL SERVICES

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MEMORANDUM

February 24, 2026

SUBJECT: Indemnification (HB 249; Work Order No. 34-LS1279\A)

TO: Representative Elexie Moore
Attn: Intimayo Harbison

FROM: Claire Radford
Legislative Counsel 

You requested a legal opinion regarding the applicability of sec. 28.10.285(b) in HB 249, based on concerns raised by insurance companies that subsection (b) would require the insurance company to indemnify and hold harmless the department for all claims. You asked for clarification as to whether sec. 28.10.285(b) applies to other provisions of AS 28 or whether it only applies to claims made under sec. 28.10.285.

Sec. 28.10.285(b), added by HB 249, states:

(b) The insurance company shall indemnify and hold harmless the department for any claims resulting from issuing a title under this section.

The phrase "under this section" means that subsection (b) only applies to sec. 28.10.285. The phrase excludes the application of this requirement to any other section in Title 28. Application of this provision to other claims made under Title 28 would be contrary to the plain reading of the text of sec. 28.10.285(b). The language of this bill only adds a requirement that an insurance company indemnify and hold harmless the department "for any claims resulting from issuing a title under [sec. 28.10.285,]" not titles issued under any other section of Title 28.

Please let me know if you have any additional questions.

CER:mis
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