

AMENDMENT #1

OFFERED IN THE HOUSE

BY REPRESENTATIVE WILSON

TO: CSHB 38(), Draft Version "R"

1 Page 1, line 1, following "Act":

2 Insert "relating to the exclusiveness of liability of an employer in the case of
3 permanent partial impairment or death;"

4
5 Page 1, following line 10:

6 Insert a new bill section to read:

7 **"* Sec. 2.** AS 23.30.055 is repealed and reenacted to read:

8 **Sec. 23.30.055. Exclusiveness of liability.** (a) The liability of an employer
9 prescribed in AS 23.30.045 is exclusive and in place of all other liability of the
10 employer and any fellow employee to the employee, the employee's legal
11 representative, husband or wife, parents, dependents, next of kin, and anyone
12 otherwise entitled to recover damages from the employer or fellow employee at law or
13 in admiralty on account of the injury or death. The liability of the employer is
14 exclusive even if the employee's claim is barred under AS 23.30.022.

15 (b) Notwithstanding (a) of this section, an injured employee, or the employee's
16 legal representative in case death results from the injury, may elect to claim
17 compensation under this chapter or to maintain an action against the employer at law
18 or in admiralty for damages on account of the injury or death, if

19 (1) an employer fails to secure payment of compensation as required
20 by this chapter; or

21 (2) the injury to the employee results in permanent partial impairment,
22 permanent total disability, or death and was caused by gross negligence of the
23 employer.

1 (c) In an action under (b) of this section, the defendant may not plead as a
2 defense that the injury was caused by the negligence of a fellow servant, or that the
3 employee assumed the risk of the employment, or that the injury was due to the
4 contributory negligence of the employee.

5 (d) In this section, "employer" includes, in addition to the meaning given in
6 AS 23.30.395, a person who, under AS 23.30.045(a), is liable for or potentially liable
7 for securing payment of compensation."
8

9 Renumber the following bill sections accordingly.

AMENDMENT #2

OFFERED IN THE HOUSE

BY REPRESENTATIVE FOSTER

TO: CSHB 38(), Draft Version "R"

- 1 Page 4, line 8:
- 2 Delete "2018"
- 3 Insert "2019"