



# LAWS OF ALASKA

1988

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**Source**

SCS CSSH B 198 (Res)

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**Chapter No.**

168

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**AN ACT**

Relating to the permissive and nonpermissive use of land.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 17, 1988  
Actual Effective Date: September 15, 1988

AN ACT

Relating to the permissive and nonpermissive use of land.

\* Section 1. AS 09.45.730 is amended by adding a new subsection to read:

(b) A person who trespasses upon the land of another to gather geotechnical data or take mineral resources is liable to the owner of the land for treble the amount of damages that may be assessed in a civil action. If the trespass is unintentional or involuntary or the defendant had probable cause to believe that the land on which the trespass was committed was the defendant's own or that of the person in whose service or by whose direction the act was done, only actual damages may be recovered.

\* Sec. 2. AS 09.45.795 is amended to read:

Sec. 09.45.795. CIVIL LIABILITY FOR PERSONAL INJURIES OR DEATH OCCURRING ON UNIMPROVED LAND. An owner of unimproved land is not liable in tort, except for an act or omission that constitutes gross negligence or reckless or intentional misconduct, for damages for the injury to or death of a person who enters onto or remains on the unimproved portion of land if

(1) the injury or death resulted from a natural condition of the unimproved portion of the land or the person entered onto the land for recreation [PROPERTY]; and

(2) the person had no responsibility to compensate the

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owner for the person's use or occupancy of the land [PROPERTY].

\* Sec. 3. AS 09.45.795 is amended by adding new subsections to read:

(b) This section does not enhance or diminish rights granted under former 43 U.S.C. 932 (R.S. 2477).

(c) In this section, "unimproved land" includes land that contains

(1) a trail;

(2) an abandoned aircraft landing area; or

(3) a road built to provide access for natural resource extraction, but which is no longer maintained or used.

\* Sec. 4. AS 11.46.350 is amended by adding a new subsection to read:

(c) A notice against trespass is given if the notice

(1) is printed legibly in English;

(2) is at least 144 square inches in size;

(3) contains the name and address of the person under whose authority the property is posted and the name and the address of the person who is authorized to grant permission to enter the property;

(4) is placed at each roadway and at each way of access onto the property that is known to the landowner;

(5) in the case of an island, is placed along the perimeter at each cardinal point of the island; and

(6) states any specific prohibition that the posting is directed against, such as "no trespassing," "no hunting," "no fishing," "no digging," or similar prohibitions.