

HOUSE BILL NO. 19(title am)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE THERRIAULT

Amended: 3/1/95

Introduced: 1/16/95

A BILL

FOR AN ACT ENTITLED

1 "An Act amending the definition of 'fault' as that term is used for the
2 purposes of determining the liabilities of parties in civil actions; amending the
3 definition of 'fault' as it relates to setting limitations on civil liability; and
4 amending the definition of 'fault' as it relates to authorizing the award, in
5 conformance with applicable court rule, of attorney fees in civil actions."

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

7 * **Section 1.** AS 09.17.900 is amended to read:

8 Sec. 09.17.900. DEFINITION. In this chapter, "fault" includes acts or
9 omissions that are in any measure negligent, [OR] reckless, **or intentional** toward the
10 person or property of the actor or others, or that subject a person to strict tort liability.
11 The term also includes breach of warranty, unreasonable assumption of risk not
12 constituting an enforceable express consent, misuse of a product for which the
13 defendant otherwise would be liable, and unreasonable failure to avoid an injury or to
14 mitigate damages. Legal requirements of causal relation apply both to fault as the

1 basis for liability and to contributory fault.

2 * **Sec. 2.** APPLICABILITY. The amendment of AS 09.17.900, made by sec. 1 of this Act,
3 applies to causes of action that accrue on or after the effective date of this Act.