

**HOUSE BILL NO. 161**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVES BUNDE, Toohey**

**Introduced: 2/8/95**

**Referred: Transportation, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to civil liability for guest passengers on an aircraft or**  
2 **watercraft; and providing for an effective date."**

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

4 **\* Section 1.** AS 09.65 is amended by adding a new section to read:

5           Sec. 09.65.112. CIVIL LIABILITY FOR AIRCRAFT AND WATERCRAFT  
6 GUEST PASSENGERS. (a) An owner or operator of an aircraft or watercraft is not  
7 liable for the civil damages of a person being transported in the owner's or operator's  
8 aircraft or watercraft if the owner or operator is not being compensated for the  
9 transportation. In this subsection, "compensated" means substantial payment in money,  
10 services, or materials, but does not include a token payment.

11           (b) This section does not apply to a civil action

12                   (1) for damages resulting from

13                           (A) gross negligence or reckless or intentional misconduct;

14                           (B) an act or omission of an owner or operator of an aircraft or

1                   watercraft who is a common carrier; or

2                                   (C) an act or omission of an owner or operator of an aircraft or  
3                   watercraft that occurs while demonstrating an aircraft or watercraft to a  
4                   prospective buyer; or

5                                   (2) described under (a) of this section if the owner or operator has  
6                   insurance that would compensate the claimant for civil damages awarded against the  
7                   owner or operator; an owner or operator who is insured as described in this paragraph  
8                   is not liable for civil damages described in (a) of this section that exceed the applicable  
9                   insurance.

10       \* **Sec. 2.** This Act applies to a cause of action that accrues on or after the effective date  
11 of this Act.

12       \* **Sec. 3.** This Act takes effect July 1, 1995.