

CS FOR HOUSE BILL NO. 161(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 4/22/95
Referred: Judiciary

Sponsor(s): REPRESENTATIVES BUNDE, Toohey

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) 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

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

10 (B) does not have insurance that would compensate a person
11 being transported as described under (a) of this section for civil damages
12 awarded against the owner or operator and, before the person being transported
13 enters the aircraft or watercraft, the owner or operator fails to provide notice
14 to the person being transported that the owner or operator is uninsured as
15 described in this subparagraph.

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

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