

**CS FOR HOUSE BILL NO. 430(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/28/98  
Referred: Finance

Sponsor(s): REPRESENTATIVES KOTT, Mulder

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to noneconomic damages resulting from an automobile accident."**

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

3 \* **Section 1.** AS 09.17.010(a) is amended to read:

4 (a) **Except as provided under AS 09.65.215, in** [IN] an action to recover  
5 damages for personal injury or wrongful death, all damage claims for noneconomic  
6 losses shall be limited to compensation for pain, suffering, inconvenience, physical  
7 impairment, disfigurement, loss of enjoyment of life, loss of consortium, and other  
8 nonpecuniary damage.

9 \* **Sec. 2.** AS 09.65 is amended by adding a new section to read:

10 **Sec. 09.65.215. Noneconomic damages resulting from an automobile**  
11 **accident.** (a) In an action to recover civil damages resulting from the operation or  
12 use of an automobile, a person may not recover damages for noneconomic losses if the  
13 person was

14 (1) injured while operating the vehicle in violation of AS 28.35.030 and  
15 was convicted of the violation, including conviction based on a guilty plea or plea of

1 no contest; or

2 (2) the owner or operator of a vehicle involved in the accident and  
3 knowingly failed to obtain insurance as required by AS 28.22.011; in this paragraph,  
4 "knowingly" has the meaning given in AS 11.81.900.

5 (b) Except as provided under this subsection, an insurer is not liable, directly  
6 or indirectly, to indemnify an injured person described in (a) of this section for  
7 noneconomic losses covered under an automobile liability insurance policy. This  
8 subsection does not apply to a person described in (a)(2) of this section if the injury  
9 resulted from operation of an automobile by another person who, at the time of the  
10 accident, was operating an automobile in violation of AS 28.35.030 and the other  
11 person has been convicted of the violation, including conviction based on a guilty plea  
12 or plea of no contest.

13 \* **Sec. 3. APPLICABILITY.** This Act applies to a cause of action that accrues on or after  
14 the effective date of this Act.