

HOUSE BILL NO. 88

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/10/99

Referred: Labor and Commerce, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the liability of landowners and others for civil damages for
2 certain acts or omissions occurring on land."

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

4 * **Section 1.** AS 09.65.200 is repealed and reenacted to read:

5 **Sec. 09.65.200. Immunity for civil damages for certain acts or omissions**
6 **occurring on land.** (a) An owner of unimproved land is not liable in tort, except for
7 an act or omission that constitutes gross negligence or reckless or intentional
8 misconduct, for damages for the injury to or death of a person who enters onto or
9 remains on the unimproved portion of land if

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

12 (2) the person had no responsibility to compensate the owner for the
13 person's use or occupancy of the land.

14 (b) In addition to the immunity provided under (a) of this section, an owner

1 of land is not liable for civil damages, except for an act or omission that constitutes
2 gross negligence or reckless or intentional misconduct, to a person who enters onto or
3 remains on the land if

4 (1) under AS 34.17 a conservation easement providing public access
5 to the land for recreational purposes has been conveyed;

6 (2) the person had no responsibility to compensate the owner for the
7 person's use of the easement on the land; and

8 (3) the civil damages arise out of the person's use of the easement on
9 the land.

10 (c) The immunity under (b) of this section extends to the grantee of the
11 conservation easement under AS 34.17 providing public access to the land for
12 recreational purposes.

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

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

16 (1) a trail;

17 (2) an abandoned aircraft landing area; or

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19 which is no longer maintained or used.