

SENATE BILL NO. 100

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY SENATOR HALFORD

Introduced: 2/20/01

Referred: Transportation

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the regulation of aeronautics and communications and to civil**
2 **liability relating to aircraft runways, airfields, and landing areas."**

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

4 * **Section 1.** AS 02.10.010 is amended to read:

5 **Sec. 02.10.010. Supervision over aeronautics [AND**
6 **COMMUNICATION].** (a) The **Department of Transportation and Public**
7 **Facilities** [DEPARTMENT] shall supervise aeronautics [AND
8 COMMUNICATIONS] inside the state, and shall make recommendations for the
9 establishment, location, maintenance, operation, and use of airports, landing fields, air
10 markings, air beacons, and other navigation facilities [, AND FOR THE
11 ESTABLISHMENT, OPERATION, MANAGEMENT, AND EQUIPMENT OF ALL
12 AIR SCHOOLS, FLYING CLUBS, AND OTHER PERSONS GIVING AIR
13 INSTRUCTION].

14 (b) The department shall, whenever it considers the action necessary in the

1 interest of general safety or the safety of those engaged in aeronautics, adopt
 2 regulations establishing minimum standards with which all air navigation facilities [,
 3 AIR SCHOOLS, AND FLYING CLUBS] shall comply, and shall adopt and enforce
 4 regulations to safeguard from accident and to protect the safety of persons operating or
 5 using aircraft and persons and property on the ground, and to develop and promote
 6 aeronautics [AND COMMUNICATIONS] in the state. However, the regulations may
 7 not duplicate or conflict with the aeronautical [AND COMMUNICATIONS]
 8 regulations **adopted** [IN FORCE] by the **United States** Department of Commerce
 9 [OF THE UNITED STATES, THE FEDERAL COMMUNICATIONS
 10 COMMISSION OR THE PROVISIONS OF THE FEDERAL AIR COMMERCE
 11 ACT OF 1926].

12 * **Sec. 2.** AS 02.10.010 is amended by adding a new subsection to read:

13 (c) The department shall adopt regulations governing the proper protection of
 14 the records of the proceedings of the department and the filing and publicizing of its
 15 regulations so that they are accessible to and generally known by the interested public.

16 * **Sec. 3.** AS 02.30.030(a) is amended to read:

17 (a) A person may not operate an aircraft in the air or on the ground or water in
 18 [VIOLATION OF AS 28.35.030, NOR OPERATE AN AIRCRAFT IN THE AIR OR
 19 ON THE GROUND OR WATER IN] a careless or reckless manner so as to endanger
 20 the life or property of another. In a proceeding charging careless or reckless operation
 21 of aircraft in violation of this section, the court, in determining whether the operation
 22 was careless or reckless, shall consider the standards for safe operation of aircraft
 23 prescribed by federal statutes or regulations governing aeronautics.

24 * **Sec. 4.** AS 02.30.030(b) is amended to read:

25 (b) A person may not operate an aircraft occupied by a crew member or
 26 passenger who is obviously under the influence of intoxicating liquor or **a controlled**
 27 **substance** [HABIT-FORMING DRUGS].

28 * **Sec. 5.** AS 02.30.040 is amended to read:

29 **Sec. 02.30.040. Penalties.** A person violating a provision of this chapter is
 30 guilty of a misdemeanor and upon conviction is punishable by a fine of not more than
 31 \$500 [UNLESS THAT PERSON IS CONVICTED OF A VIOLATION OF

1 AS 28.35.030, IN WHICH CASE THE SENTENCE SHALL BE IN ACCORDANCE
2 WITH AS 28.35.030].

3 * **Sec. 6.** AS 02.35.110(a) is repealed and reenacted to read:

4 (a) An airman may not make a flight inside the state unless the aircraft is
5 equipped with the following emergency equipment: one axe or hatchet, two small
6 boxes of matches, and one sleeping bag.

7 * **Sec. 7.** AS 09.65 is amended by adding a new section to read:

8 **Sec. 09.65.093. Civil liability relating to aircraft runways, airfields, and**
9 **landing areas.** (a) A person who maintains or repairs an aircraft runway, airfield, or
10 landing area without compensation may not be held civilly liable, except for an act or
11 omission that constitutes gross negligence or recklessness or intentional misconduct,
12 for the injury to or death of a person resulting from the use of the runway, airfield, or
13 landing area to take off, land, or operate an aircraft.

14 (b) The owner or operator of an aircraft runway, airfield, or landing area is not
15 civilly liable, except for an act or omission that constitutes gross negligence or
16 recklessness or intentional misconduct, for the injury to or the death of a person
17 resulting from the use or attempted use of the runway, airfield, or landing area while
18 the runway, airfield, or landing area is closed and is marked as closed by signs or with
19 recognized "runway closed" markings.

20 * **Sec. 8.** AS 11.46.130(b)(2) is amended to read:

21 (2) "aircraft safety or survival equipment" means equipment required
22 to be carried on an aircraft under [AS 02.30.010 OR] AS 02.35.110;

23 * **Sec. 9.** AS 02.10.020, 02.10.030, 02.10.040, 02.10.060, 02.10.070, 02.10.080, 02.10.090;
24 AS 02.15.010(1), 02.15.050(d), 02.15.170, 02.15.205, 02.15.220(b), 02.15.225;
25 AS 02.20.010, 02.20.020, 02.20.030, 02.20.040, 02.20.050, 02.20.060, 02.20.070;
26 AS 02.25.080; AS 02.30.010, 02.30.030(c), 02.30.030(d); AS 02.35.010, 02.35.050,
27 02.35.060, 02.35.070, 02.35.080, 02.35.100, 02.35.110(b), 02.35.115, 02.35.120, and
28 02.35.140 are repealed.

29 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
30 read:

31 **APPLICABILITY.** Section 7 of this Act applies to a civil action that accrues on or

1 after the effective date of this Act.