

**CS FOR HOUSE BILL NO. 214(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered: 4/4/03**

**Referred: Rules**

**Sponsor(s): REPRESENTATIVES SAMUELS, Holm, Rokeberg, Meyer, McGuire, Hawker, Dahlstrom, Heinze, Lynn**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the recovery of punitive damages against an employer who is**  
2 **determined to be vicariously liable for the act or omission of an employee; and providing**  
3 **for an effective date."**

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

5 **\* Section 1.** AS 09.17.020 is amended by adding a new subsection to read:

6 (k) In a civil action in which an employer is determined to be vicariously  
7 liable for the act or omission of an employee, punitive damages may not be awarded  
8 against the employer under principles of vicarious liability unless

9 (1) the employer

10 (A) authorized the act or omission and the manner in which the  
11 act was performed or omission occurred; or

12 (B) ratified or approved the act or omission after the act or  
13 omission occurred; or

14 (2) the employee

1 (A) was unfit to perform the act or avoid the omission and the  
2 employer acted recklessly in employing or retaining the employee; or

3 (B) was a managing officer or a director of the employer.

4 \* **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to  
5 read:

6 APPLICABILITY. This Act applies to a cause of action that accrues on or after the  
7 effective date of this Act.

8 \* **Sec. 3.** This Act takes effect July 1, 2003.