

**HOUSE BILL NO. 423**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-THIRD LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE ANDERSON**

**Introduced: 2/2/04**

**Referred: Judiciary, State Affairs**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to accidents involving the vehicle of a person under the influence of an**  
2 **alcoholic beverage; 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. 09.65.300. Damages resulting from driving the vehicle of a person**  
6 **under the influence of an alcoholic beverage.** (a) A person is not liable for personal  
7 injury, death, or property damage resulting from a motor vehicle accident if the person  
8 was driving a vehicle involved in the accident and

9 (1) before the accident, started driving the vehicle involved in the  
10 accident from or near licensed premises;

11 (2) is, at the time of the accident, a person employed to or under  
12 contract to drive a taxicab or limousine, a taxicab or limousine owner, a holder of a  
13 taxicab or limousine permit issued by a municipality, or an owner or employee of a  
14 company that dispatches taxicabs or limousines;

1 (3) was not under the influence of an alcoholic beverage at the time of  
2 the accident;

3 (4) was driving the vehicle to the motor vehicle owner's residence at  
4 the request of the motor vehicle owner or a law enforcement officer; and

5 (5) was driving the vehicle because the motor vehicle owner or  
6 operator was under the influence of an alcoholic beverage or reasonably believed to be  
7 under the influence of an alcoholic beverage.

8 (b) A person licensed under AS 04.11.080 - 04.11.250, or an agent or  
9 employee of the person, is not liable for personal injury, death, or property damage  
10 resulting from a motor vehicle accident described under (a) of this section.

11 (c) This section does not preclude liability for civil damages as a result of  
12 gross negligence or reckless or intentional misconduct.

13 (d) A motor vehicle owner is considered to have given consent to another  
14 person to drive the owner's motor vehicle if the other person is involved in an accident  
15 and the provisions of (a) of this section apply to the other person.

16 (e) In this section, "licensed premises" has the meaning given in  
17 AS 04.21.080.

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

20 **APPLICABILITY.** This Act applies to a civil action that accrues on or after the  
21 effective date of this Act.

22 \* **Sec. 3.** This Act takes effect July 1, 2004.