

CS FOR HOUSE BILL NO. 423(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/29/04

Referred: Rules

Sponsor(s): REPRESENTATIVES ANDERSON, Rokeberg, McGuire, Meyer, Gruenberg

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."**

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 beyond the
7 limits of any applicable insurance policy purchased by or on behalf of the owner of the
8 vehicle for damages resulting from a motor vehicle accident if the person was driving
9 a vehicle involved in the accident and

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

12 (2) is, at the time of the accident, a person employed in the course and
13 scope of employment to or under contract to drive a taxicab or limousine, a taxicab or
14 limousine owner, a holder of a taxicab or limousine permit issued by a municipality,

1 or an owner or employee of a company that dispatches taxicabs or limousines;

2 (3) was not under the influence of an alcoholic beverage, inhalant, or
3 controlled substance at the time of the accident;

4 (4) was driving the vehicle to the motor vehicle owner's residence or
5 designated residential location at the request of the motor vehicle owner or operator or
6 a law enforcement officer; and

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

10 (b) A person licensed under AS 04.11.080 - 04.11.250, or an agent or
11 employee of the person, is not liable for damages resulting from a motor vehicle
12 accident described under (a) of this section. A person or entity that participates in
13 making arrangements for transportation of a vehicle under (a) of this section is not
14 liable for damages resulting from a motor vehicle accident described in (a) of this
15 section.

16 (c) This section does not

17 (1) preclude liability for civil damages as a result of gross negligence
18 or reckless or intentional misconduct; or

19 (2) limit the ability of a person to recover damages under any
20 applicable uninsured or under insured motor vehicle insurance coverage.

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

24 (e) In this section,

25 (1) "controlled substance" has the meaning given in AS 28.33.190;

26 (2) "inhalant" has the meaning given to the phrase "hazardous volatile
27 material or substance" in AS 47.37.270;

28 (3) "licensed premises" has the meaning given in AS 04.21.080.

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

31 **APPLICABILITY.** This Act applies to a civil action that accrues on or after the

- 1 effective date of this Act.
- 2 * **Sec. 3.** AS 09.65.300 is repealed July 1, 2007.