

CS FOR HOUSE BILL NO. 474(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/5/04

Referred: Rules

Sponsor(s): REPRESENTATIVES HOLM, McGuire, Heinze

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to civil liability associated with aircraft runways, airfields, and landing
2 areas."

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

4 * **Section 1.** AS 09.65.093 is amended to read:

5 **Sec. 09.65.093. Civil liability relating to aircraft runways, airfields, and**
6 **landing areas.** (a) **Except as provided in (c) of this section, a** [A NATURAL]
7 person who without compensation **constructs,** maintains, or repairs an aircraft
8 runway, airfield, or landing area may not be held civilly liable, except for an act or
9 omission that constitutes gross negligence or recklessness or intentional misconduct,
10 for the injury to or death of a person or for damage to an aircraft, resulting from the
11 use of the runway, airfield, or landing area to take off, land, **park,** or operate an
12 aircraft.

13 (b) A [NATURAL] person who is the owner or operator of an aircraft runway,
14 airfield, or landing area [THAT IS LOCATED ON PRIVATE LAND] is not civilly

1 liable, except for an act or omission that constitutes gross negligence or recklessness
 2 or intentional misconduct, for the injury to or the death of a person or for damage to an
 3 aircraft, resulting from the use or attempted use of the runway, airfield, or landing area
 4 to take off, land, park, or operate an aircraft while the runway, airfield, or landing
 5 area [IS]

6 (1) is marked as closed by placement of a large "X" on the runway, in
 7 accordance with Federal Aviation Administration guidelines [THAT IS READILY
 8 VISIBLE FROM THE AIR]; and

9 (2) if listed or charted, is designated as closed in the appropriate
 10 aeronautical charts and publications published by the Federal Aviation Administration.

11 * **Sec. 2.** AS 09.65.093 is amended by adding a new subsection to read:

12 (c) The immunity from civil liability under (a) of this section does not limit
 13 the liability of an owner or operator of an aircraft runway, airfield, or landing area to a
 14 provider of flight services or its passengers under contract with the owner or operator.