

**HOUSE BILL NO. 549**

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

**BY THE HOUSE JUDICIARY COMMITTEE**

**Introduced: 3/29/04**  
**Referred: Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to unsolicited communications following an aircraft accident; and**  
2 **amending Rule 503, Alaska Rules of Evidence."**

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

4 **\* Section 1.** AS 02.40 is amended by adding a new section to read:

5 **Sec. 02.40.030. Unsolicited communication prohibited.** (a) Except as  
6 provided in (b) of this section, in the event of an accident involving an air carrier  
7 providing intrastate transportation of passengers, an attorney or potential party may  
8 not initiate a contact with an individual injured in the accident or a relative of an  
9 individual involved in the accident concerning a potential action based on the accident  
10 for personal injury or wrongful death within 45 days following the accident. In this  
11 subsection, "attorney" includes an attorney for an air carrier and an associate, agent,  
12 employee, or other representative of an attorney.

13 (b) The prohibition in (a) of this section does not apply to the activities that an  
14 air carrier or its insurers may undertake, or the obligations that an air carrier or its

1 insurers may have, in providing short-term physical or financial assistance to a  
2 passenger or the family of a passenger involved in an aircraft accident.

3 (c) The attorney-client privilege does not apply to a communication prohibited  
4 under (a) of this section in a criminal action against an attorney accused of violating  
5 this section.

6 (d) A person who violates this section is guilty of a class A misdemeanor and,  
7 upon conviction, is punishable only by a fine of \$10,000. A person who violates this  
8 section within 10 years following a prior conviction under this section is guilty of a  
9 class B felony and, upon conviction, is punishable only by a fine of \$100,000.

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

12 **INDIRECT COURT RULE CHANGE; RULES OF EVIDENCE.** AS 02.40.030(c), as  
13 enacted in sec. 1 of this Act, has the effect of changing Rule 503, Alaska Rules of Evidence,  
14 by adding an additional exception to the list of situations when the lawyer-client privilege will  
15 not apply.

16 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
17 read:

18 **APPLICABILITY.** This Act applies to an accident involving an air carrier that occurs  
19 on or after the effective date of this Act.