

SENATE CS FOR CS FOR HOUSE BILL NO. 549(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/1/04

Referred: Judiciary

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to unsolicited communications following an aircraft accident."**

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

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

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

12 (b) During the 45-day period described in (a) of this section, an agent or
13 representative of an air carrier or its insurer may not initiate contact with an individual
14 injured in the accident or a relative of an individual injured or killed in the accident for
15 the purpose of offering a final settlement of a claim.

1 (c) The prohibitions in (a) and (b) of this section do not apply to the activities
2 that an air carrier or its insurers may undertake, or the obligations that an air carrier or
3 its insurers may have to

4 (1) provide a passenger or the family of a passenger injured or killed in
5 an aircraft accident with short-term physical or financial assistance; or

6 (2) meet the obligations of the air carrier under 49 U.S.C. 4113
7 (Aviation Disaster Family Assistance Act of 1996).

8 (d) A person who violates this section is guilty of a class A misdemeanor and,
9 upon conviction, shall be sentenced to pay a fine equal to the greater of \$100,000 or
10 the amount of the legal fee the attorney receives for representing a party whose
11 representation was acquired through a contact in violation of this section. The court
12 may not impose a term of imprisonment for a violation of this section.

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

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