

SENATE BILL NO. 98

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY SENATORS BUNDE, Wilken, Seekins, Cowdery, Ogan

Introduced: 3/4/03

Referred: Transportation, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to civil liability for guest passengers on an aircraft or watercraft; and**
2 **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. 09.65.112. Civil liability for aircraft and watercraft guest passengers.**

6 (a) An owner or operator of an aircraft or watercraft is not liable for the civil damages
7 of a person being transported in the owner's or operator's aircraft or watercraft if the
8 owner or operator is not being compensated for the transportation. In this subsection,
9 "compensated" means a substantial payment in money, services, or materials, but does
10 not include a token payment.

11 (b) This section does not apply to a civil action

12 (1) for damages resulting from

13 (A) gross negligence or reckless or intentional misconduct;

14 (B) an act or omission of an owner or operator of an aircraft or

1 watercraft who is a common carrier; or

2 (C) an act or omission of an owner or operator of an aircraft or
3 watercraft that occurs while demonstrating an aircraft or watercraft to a
4 prospective buyer; or

5 (2) described under (a) of this section if the owner or operator

6 (A) has insurance that would compensate the claimant for civil
7 damages awarded against the owner or operator; an owner or operator who is
8 insured as described in this subparagraph is not liable for civil damages
9 described in (a) of this section that exceed the applicable insurance; or

10 (B) does not have insurance that would compensate a person
11 being transported as described under (a) of this section for civil damages
12 awarded against the owner or operator and, before the person being transported
13 enters the aircraft or watercraft, the owner or operator fails to provide notice to
14 the person being transported that the owner or operator is uninsured as
15 described in this subparagraph.

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

18 **APPLICABILITY.** This Act applies to causes of action that accrue on or after the
19 effective date of this Act.

20 * **Sec. 3.** This Act takes effect July 1, 2003.