

SENATE BILL NO. 147

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

BY SENATORS FRENCH, Wagoner, Thomas, Elton, Wielechowski, Dyson, Ellis, Davis

Introduced: 3/28/07

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act clarifying when a project owner or general contractor is considered an
2 employer for purposes of workers' compensation exclusive liability."

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

4 * **Section 1.** AS 23.30.055 is amended to read:

5 **Sec. 23.30.055. Exclusiveness of liability.** The liability of an employer
6 prescribed in AS 23.30.045 is exclusive and in place of all other liability of the
7 employer and any fellow employee to the employee, the employee's legal
8 representative, husband or wife, parents, dependents, next of kin, and anyone
9 otherwise entitled to recover damages from the employer or fellow employee at law or
10 in admiralty on account of the injury or death. The liability of the employer is
11 exclusive even if the employee's claim is barred under AS 23.30.022. However, if an
12 employer fails to secure payment of compensation as required by this chapter, an
13 injured employee or the employee's legal representative in case death results from the
14 injury may elect to claim compensation under this chapter, or to maintain an action

1 against the employer at law or in admiralty for damages on account of the injury or
2 death. In that action, the defendant may not plead as a defense that the injury was
3 caused by the negligence of a fellow servant, or that the employee assumed the risk of
4 the employment, or that the injury was due to the contributory negligence of the
5 employee. In this section, "employer" includes, in addition to the meaning given in
6 AS 23.30.395, a person who, under AS 23.30.045(a), is liable for [OR
7 POTENTIALLY LIABLE FOR] securing payment of compensation.