

CS FOR SENATE BILL NO. 78(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/6/11

Referred: Rules

Sponsor(s): SENATOR MCGUIRE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to liability of certain limited liability organizations holding liquor
2 licenses; and relating to accidents involving the vehicle of a person under the influence
3 of alcoholic beverages."

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

5 * **Section 1.** AS 04.21.035 is amended to read:

6 **Sec. 04.21.035. Responsibility of partners of a limited liability partnership**
7 **or foreign limited liability partnership [ORGANIZATION MEMBERS].**

8 Notwithstanding any other provision of [AS 10.50 OR] AS 32.06, a **partner**
9 **[MEMBER]** of a limited liability **partnership or a foreign limited liability**
10 **partnership** [ORGANIZATION] holding a license under this title is not relieved of
11 the obligation or the liability otherwise imposed upon a holder of a liquor license
12 under this title solely because the license is held by a limited liability **partnership or**
13 **a foreign limited liability partnership** [ORGANIZATION].

14 * **Sec. 2.** AS 09.65 is amended by adding a new section to read:

1 **Sec. 09.65.315. Damages resulting from driving the vehicle of a person**
2 **under the influence of an alcoholic beverage.** (a) A person is not liable beyond the
3 limits of any applicable insurance policy purchased by or on behalf of the owner of the
4 vehicle, or the taxicab or limousine company or the company's owner, agents, or
5 employees, for damages resulting from a motor vehicle accident if the person was
6 driving a vehicle involved in the accident and

7 (1) before the accident, started driving the vehicle involved in the
8 accident from or near licensed premises;

9 (2) is, at the time of the accident, a person employed in the course and
10 scope of employment to or under contract to drive a taxicab or limousine, a taxicab or
11 limousine owner, a holder of a taxicab or limousine permit issued by a municipality,
12 or an owner or employee of a company that dispatches taxicabs or limousines;

13 (3) was not under the influence of an alcoholic beverage, inhalant, or
14 controlled substance at the time of the accident;

15 (4) was driving the vehicle to the motor vehicle owner's residence or
16 designated residential location at the request of the motor vehicle owner or operator or
17 a law enforcement officer; and

18 (5) was driving the vehicle because the motor vehicle owner or
19 operator was under the influence of an alcoholic beverage or reasonably believed to be
20 under the influence of an alcoholic beverage.

21 (b) A person licensed under AS 04.11.080 - 04.11.255, or an agent or
22 employee of the person, is not liable for damages resulting from a motor vehicle
23 accident described under (a) of this section. A person or entity that participates in
24 making arrangements for transportation of a vehicle under (a) of this section is not
25 liable for damages resulting from a motor vehicle accident described in (a) of this
26 section.

27 (c) This section does not

28 (1) preclude liability for civil damages as a result of gross negligence
29 or reckless or intentional misconduct;

30 (2) limit the ability of a person to recover damages under any
31 applicable uninsured or underinsured motor vehicle insurance coverage; or

1 (3) limit the ability of a person to recover damages under any
2 applicable liability insurance coverage purchased by or on behalf of the person being
3 transported under (a) of this section.

4 (d) A motor vehicle owner is considered to have given consent to another
5 person to drive the owner's motor vehicle if the other person is involved in an accident
6 and the provisions of (a) of this section apply to the other person.

7 (e) In this section,

8 (1) "controlled substance" has the meaning given in AS 28.33.190;

9 (2) "inhalant" has the meaning given to the phrase "hazardous volatile
10 material or substance" in AS 47.37.270;

11 (3) "licensed premises" has the meaning given in AS 04.21.080.

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

14 **APPLICABILITY.** Section 2 of this Act applies to a civil action that accrues on or
15 after the effective date of this Act.