

1 IN THE HOUSE

BY STEVENS

2 HOUSE BILL NO. 297

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the liability of an
7 employer to the employee for damages for the
8 employee's injury or death."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

11 Sec. 23.30.055. EXCLUSIVENESS OF LIABILITY. Except as
12 set out in ch. 35 of this title, the [THE] liability of an
13 employer prescribed in sec. 45 of this chapter is exclusive
14 and in place of all other liability of the employer and any
15 fellow employee to the employee, his legal representative,
16 husband or wife, parents, dependents, next of kin, and anyone
17 otherwise entitled to recover damages from the employer or
18 fellow employee at law or in admiralty on account of the in-
19 jury or death. However, if an employer fails to secure pay-
20 ment of compensation as required by this chapter, an injured
21 employee or his legal representative in case death results
22 from the injury may elect to claim compensation under this
23 chapter, or to maintain an action against the employer at law
24 or in admiralty for damages on account of the injury or death.
25 In that action the defendant may not plead as a defense that
26 the injury was caused by the negligence of a fellow servant,
27 or that the employee assumed the risk of his employment, or
28 that the injury was due to the contributory negligence of the
29 employee.