

1 IN THE HOUSE

BY STEVENS

2 HOUSE BILL NO. 308

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act allowing a direct action against an
7 insurer to recover on the liability of the
8 insured."

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

10 * Section 1. AS 21.10 is amended by adding a new section to
11 read:

12 Sec. 21.10.167. DIRECT ACTIONS AGAINST INSURER. Any
13 policy or contract of insurance covering liability to others
14 by reason of operation of a motor vehicle, aircraft or water-
15 craft shall, notwithstanding contrary provisions of the
16 policy or contract, be construed as if it contained the
17 following conditions:

18 (1) a person entitled to recovery because of the
19 liability of the insured has the right to maintain a direct
20 action in the superior court within the terms and limits of
21 the policy or contract against the insurer if the court has
22 jurisdiction;

23 (2) the direct action may be brought against the
24 insurer alone or against the insurer and the insured jointly;

25 (3) the action is subject to all the lawful con-
26 ditions of the policy or contract, to the defenses which
27 could be urged by the insurer in an action against it by the
28 insured, and to the defenses which could be urged by the in-
29 sured in an action against him by the person entitled to

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recovery.

* Sec. 2. This Act applies to a policy or contract in effect on the effective date of this Act.