

1 IN THE HOUSE

BY STEVENS

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HOUSE BILL NO. 327

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTH LEGISLATURE - SECOND SESSION

5

A BILL

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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."

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

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* Section 1. AS 23.30.055 is amended to read:

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Sec. 23.30.055. EXCLUSIVENESS OF LIABILITY. Except as

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set out in ch. 25 of this title, the [THE] liability of an

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employer prescribed in sec. 45 of this chapter is exclusive

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and in place of all other liability of the employer and any

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fellow employee to the employee, his legal representative,

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husband or wife, parents, dependents, next of kin, and anyone

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otherwise entitled to recover damages from the employer or

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fellow employee at law or in admiralty on account of the in-

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jury or death. However, if an employer fails to secure pay-

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ment of compensation as required by this chapter, an injured

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employee or his legal representative in case death results

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from the injury may elect to claim compensation under this

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chapter, or to maintain an action against the employer at law

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or in admiralty for damages on account of the injury or death.

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In that action the defendant may not plead as a defense that

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the injury was caused by the negligence of a fellow servant,

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or that the employee assumed the risk of his employment, or

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that the injury was due to the contributory negligence of the

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employee.