

Introduced: 2/17/67  
Referred: Commerce and  
Judiciary

BY BRADNER, BALONE, GETMAN,  
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1 IN THE HOUSE

2 HOUSE BILL NO. 196

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 \* Section 1. AS 21.42 is amended by adding a new section to read:

10 Sec. 21.42.165. DIRECT ACTIONS AGAINST INSURER. A policy or con-  
11 tract of insurance covering liability to others by reason of operation  
12 of a motor vehicle, aircraft or watercraft, notwithstanding contrary  
13 provisions of the policy or contract, shall be construed as if it con-  
14 tained the following conditions:

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

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

21 (3) the action is subject to all the lawful conditions of  
22 the policy or contract, to the defenses which could be urged by the  
23 insurer in an action against it by the insured, and to the defenses  
24 which could be urged by the insured in an action against him by the  
25 person entitled to recovery.

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

28  
29 HB 196