

Original sponsor: Swanson and Fink

Offered: 4/26/71  
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 54

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to claims against the state."

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

8 \* Section 1. AS 09.50.250 is amended by adding a new paragraph to read:

9 (4) is an action for tort, and is based upon a defect in a  
10 state road or highway, unless the negligence of the state in allowing  
11 the defect to exist or to continue to exist is the sole cause of the  
12 injury.

13 \* Sec. 2. AS 09.50 is amended by adding a new section to read:

14 Sec. 09.50.255. NOTICE OF CLAIM. A tort action allowed under  
15 sec. 250(4) of this chapter may not be brought, and the state is not  
16 liable in damages for injury to a person or his property by reason  
17 of the state's negligence, unless, within four months after the injury  
18 occurs, the person damaged gives written notice to an officer of the  
19 state upon whom process may be served. The notice shall state that  
20 the person intends to hold the state liable for the damages and shall  
21 include an affidavit setting out, as accurately as possible, the time  
22 and place of the injury, the manner in which it occurred, the nature  
23 of the defect complained of, the extent of the injury insofar as it  
24 is known, and the names and addresses of witnesses known to the  
25 claimant.

26 \* Sec. 3. AS 09.50.290 is amended to read:

27 Sec. 09.50.290. TRIAL BY COURT OR JURY. Actions against the  
28 state under secs. 250 - 300 of this chapter shall be tried by the court  
29 without a jury, unless the state or person bringing the action requests

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a trial by jury.