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Referred: Labor & Management
and Commerce

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1 IN THE HOUSE

2 HOUSE BILL NO.78

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 employer's liability for
7 negligence."

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

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

10 Sec. 23.30.055. EXCLUSIVENESS OF LIABILITY. Except for employer's
11 liability for negligence as provided for in AS 23.25, the [THE] liabil-
12 ity of an employer prescribed in sec. 45 of this chapter is exclusive
13 and in place of all other liability of the employer and any fellow
14 employee to the employee, his legal representative, husband or wife,
15 parents, dependents, next of kin, and anyone otherwise entitled to
16 recover damages from the employer or fellow employee at law or in
17 admiralty on account of the injury or death. However, if an employer
18 fails to secure payment of compensation as required by this chapter,
19 an injured employee or his legal representative in case death results
20 from the injury may elect to claim compensation under this chapter, or
21 to maintain an action against the employer at law or in admiralty for
22 damages on account of the injury or death. In that action the
23 defendant may not plead as a defense that the injury was caused by the
24 negligence of a fellow servant, or that the employee assumed the risk
25 of his employment, or that the injury was due to the contributory
26 negligence of the employee.

27 * Sec. 2. AS 23.25 is amended by adding a new section to read:

28 Sec. 23.25.050. PRESUMPTION OF NEGLIGENCE. If in an action or
29 proceeding under this chapter there is evidence that an employee's



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injury is reasonably related to the employer's breach of a safety code which governed the parties by statute, regulation or contract, there is a rebuttable presumption that the employer was negligent.