

Introduced: 3/3/71
Referred: Resources and
Judiciary

1 IN THE HOUSE

BY M. MILLER

2 HOUSE BILL NO. 241

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 damages for oil pollution."

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

8 * Section 1. AS 46.05.170(b) is amended to read:

9 (b) It is unlawful, except under the circumstances described in
10 this subsection, for a person to deposit in, cause to be deposited in,
11 permit to pass into, or place where it can pass into the waters of this
12 state oil, petroleum, acid, coal or oil tar, lampblack, aniline,
13 asphalt, bitumen, or a residuary product of petroleum in a manner so
14 as to constitute pollution as defined in this chapter regardless of the
15 cause or fault of the person having control over the oil, or regard-
16 less of whether it is the result of intentional or negligent conduct, an
17 accident, or other cause. "Having control over oil" includes but is
18 not limited to a person using, storing or transporting oil immediately
19 before entry of the oil into the waters of the state, and specifically
20 includes carriers and bailees of the oil. This section does not apply
21 to discharges of oil when a person having control over the oil can
22 prove that a discharge was caused by an act of war or sabotage. [POLLU-
23 TION CAUSED BY AN ACT OF GOD OR BY CIRCUMSTANCES BEYOND THE CONTROL OF
24 THE PERSON IN CHARGE SHALL BE CONSIDERED A DEFENSE TO A CHARGED VIOLA-
25 TION BY THE PERSON CHARGED.]

26 * Sec. 2. AS 46.05.210(b) is amended to read:

27 (b) In addition to the penalties provided in (a) of this section,
28 a person who violates secs. 170 - 173 of this chapter is liable, in a
29 civil action, to the state for

1 (1) liquidated damages to be assessed by the court for an
2 amount not less than \$5,000 nor more than \$100,000, depending on the
3 severity of the violation;

4 (2) damages for the necessary expenses of oil cleanup,
5 including but not limited to expenses connected with collecting,
6 containing, treating, removing, or dispersing the oil.

7 * Sec. 3. AS 46.05.210 is amended by adding a new subsection to read:

8 (f) A person who violates secs. 170 - 173 of this chapter is
9 strictly liable, without regard to fault, for the damages to persons
10 or property, public or private, caused by the violation. In an action
11 to recover damages, a person is relieved from strict liability if he
12 can prove that the violation for which the action is brought was the
13 result of circumstances described in sec. 170(b) of this chapter.

14 * Sec. 4. AS 46.05 is amended by adding a new section to read:

15 Sec. 46.05.213. LIABILITY FOR RESTORATION OF RESOURCES. A person
16 who violates secs. 170 - 173 of this chapter, and causes the death of,
17 or injury to fish, animals, vegetation or other resources of the state,
18 is liable to the state for damages in an amount equal to the sum of
19 money necessary to restock the waters, replenish the resources, and
20 otherwise restore the stream, lake, bay, beach, tidal zone or other
21 water areas to its condition before the injury, as that condition is
22 determined jointly by the Department of Health and Welfare and the
23 Department of Fish and Game.

24 * Sec. 5. AS 46.05.230 is amended by adding a new paragraph to read:

25 (11) "oil" means any derivative of a liquid hydrocarbon and
26 includes crude oil, lubricating oil, sludge, oil refuse or any other
27 petroleum-related product or by-product.
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