

Introduced: 2/11/77
Referred: Judiciary

1 THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 151

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to tort claims against the State of
7 Alaska; and providing for an effective date."

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

9 * Section 1. AS 09.50.250 is amended by adding new paragraphs to read:

10 (4) arises out of a motor vehicle accident and is based
11 upon

12 (A) design of a state highway, including the placement
13 of warning or safety signs or markings on or along the highway,
14 when the design conformed to nationally recognized uniform stan-
15 dards as adopted by the Department of Highways under AS 19.10.040,
16 19.10.050, or AS 19.10.160 for the system of which the highway
17 involved is a part and in effect at the time the design was
18 prepared; or

19 (B) maintenance of a highway unless

20 (i) an employee of the state who had the responsi-
21 bility for road maintenance at the place of the accident had
22 actual notice of a dangerous road condition which required
23 maintenance at the scene of the accident;

24 (ii) a reasonable man under similar circumstances
25 would have taken steps to correct the dangerous condition of
26 the highway at the place of the accident;

27 (iii) there was adequate opportunity for the
28 state to render the maintenance service, considering the
29 length of time in which the state had actual notice, and the

1 personnel and equipment capabilities of the state for the
2 area in which the accident occurred; and

3 (iv) the dangerous condition of the road was a
4 substantial contributing cause of the accident;

5 (5) is based on a failure of the state, where the state is
6 neither owner nor tenant of the property involved,

7 (A) to inspect property for a violation of any statute,
8 regulation, or ordinance, or a hazard to health or safety;

9 (B) to discover a violation of any statute, regulation,
10 or ordinance, or a hazard to health or safety if an inspection of
11 property is made;

12 (C) to abate a violation of any statute, ordinance, or
13 regulation, or a hazard to health or safety discovered on property
14 inspected.

15 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
16 10.070(c) and applies to all legal actions filed after the effective date
17 of this Act.
18
19
20
21
22
23
24
25
26
27
28
29