

Introduced: 6/2/78
Referred: State Affairs and
Finance

1 IN THE SENATE

BY THE LABOR AND MANAGEMENT COMMITTEE

2 97 SENATE BILL NO. 636 AM

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act assuming liability in the state for payment
7 of certain tort claims."

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

9 * Section 1. AS 44.80 is amended by adding a new section to read:

10 ARTICLE 4. LIABILITY FOR CERTAIN TORT CLAIMS.

11 Sec. 44.80.100. LIABILITY FOR DAMAGES FOR CERTAIN TORT CLAIMS.

12 (a) Except as provided in (b) of this section, the state indemnifies
13 against loss any individual or an officer, employee or agent of any
14 partnership, corporation qualified to do business in the state, or
15 other association which is regularly engaged in the business of sale
16 or distribution of aviation fuel in the state provided

17 (1) the loss is based upon an adjudicated claim in tort
18 arising out of the use of adulterated or contaminated fuel in an air-
19 craft in this state;

20 (2) the use of adulterated or contaminated fuel is a contri-
21 buting factor to the injury or death; and

22 (3) the defendant seeking indemnification serves notice of
23 the claim on the attorney general and permits the state to intervene in
24 the case.

25 (b) The provisions of this section do not indemnify a tortfeasor
26 who has intentionally caused the injury or wrongful death or to a tort-
27 feator whose gross negligence has caused or contributed to the injury
28 or wrongful death.

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