

Introduced: 3/11/80
Referred: Commerce and
Judiciary

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE
BY REQUEST

2 HOUSE BILL NO. 952

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to public utilities; and providing for
7 an effective date."

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

9 * Section 1. AS 42.20.030 is amended to read:

10 Sec. 42.20.030. [PUNISHMENT AND] CIVIL LIABILITY FOR DAMAGES TO
11 A UTILITY LINE AND FOR TAKING UTILITY SERVICE [INJURY TO, INTERFERENCE
12 WITH, OR OBSTRUCTION OF TELEGRAPH, TELEPHONE, ELECTRIC, OR GAS LINES].
13 A person is civilly [GUILTY OF A MISDEMEANOR, AND UPON CONVICTION IS
14 PUNISHABLE BY A FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT
15 MORE THAN SIX MONTHS, OR BY BOTH, AND IS] liable to the utility [COMPANY
16 OR PERSON] whose property is damaged [INJURED, OR LINE OBSTRUCTED, OR
17 CURRENT DIVERTED,] in a sum equal to three times the amount of the
18 actual damages sustained [,] and three times the value of the service
19 taken [PRICE OF THE CURRENT, LIGHT, POWER, OR GAS DIVERTED OR USED,] if
20 he intentionally or negligently

21 (1) damages [WILFULLY AND MALICIOUSLY CUTS, BREAKS, OR THROWS
22 DOWN] a pole, tree, pipeline, or other object used in a utility line [OF
23 TELEGRAPH, TELEPHONE, GAS LINE, OR SYSTEM FOR THE TRANSMISSION OF LIGHT
24 OR POWER BY USE OF ELECTRICITY, OR GAS BY PIPELINE];

25 (2) damages [WILFULLY AND MALICIOUSLY BREAKS, DISPLACES, OR
26 INJURES] an insulator in use in the line [,] or damages or [WILFULLY AND
27 MALICIOUSLY CUTS, BREAKS, AND] removes from its insulator any wire used
28 in a utility line [FOR ANY OF THE PURPOSES SET FORTH IN (1) OF THIS
29 SECTION];

1 (3) damages [BY ANY INTERFERENCE WILFULLY AND MALICIOUSLY
2 DESTROYS] the insulation of the line [,] or interrupts the transmission
3 of the service [ELECTRIC CURRENT] through it [,] or damages [WILFULLY
4 AND MALICIOUSLY DESTROYS] the protective wrapping of a water, oil, or
5 gas pipeline;

6 (4) damages [WILFULLY AND MALICIOUSLY INJURES, MOLESTS, OR
7 DESTROYS] property or materials [APPERTAINING TO ANY OF THESE LINES OR]
8 belonging to a utility [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT OR POWER
9 COMPANY, OR GAS COMPANY];

10 (5) [WILFULLY AND MALICIOUSLY] interferes with the use of a
11 utility [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT OR POWER LINE OR GAS]
12 line, or obstructs or postpones the transmission of service over a uti-
13 lity [A MESSAGE OVER A TELEGRAPH OR TELEPHONE] line [,] or procures or
14 advises damage [INJURY, INTERFERENCE, OR OBSTRUCTION] to any utility
15 [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT, POWER OR GAS] line;

16 (6) [WILFULLY AND MALICIOUSLY] interferes with or alters a
17 meter or other device for the measuring of service from a utility [CUR-
18 RENT, POWER, OR GAS]; or

19 (7) without the permission of the utility takes service from
20 the utility [AUTHORITY OF THE OWNER DIVERTS, USES, OR APPROPRIATES A
21 MESSAGE OR CURRENT] or taps a wire or line used for the transmission of
22 service [MESSAGES, CURRENT, POWER OR GAS,] or procures or advises this
23 to be done.

24 * Sec. 2. AS 42.20 is amended by adding new sections to read:

25 Sec. 42.20.032. PRESUMPTION FROM USE OF NONMETERED UTILITY SER-
26 VICE. It is presumed that a person intended to deprive a utility of
27 compensation for service from the utility if

28 (1) the person possesses or has access to a utility service
29 metering device which has been interfered with, avoided, or altered to

1 inhibit or prevent the accurate measurement of utility service without
2 the permission of the utility or the person has access to a utility line
3 which has been tapped without the permission of the utility; and

4 (2) the person enjoys the use or receives the benefit of the
5 unmetered utility service.

6 Sec. 42.20.034. DEFINITIONS. In AS 42.20.030 - 42.20.034

7 (1) "utility" means a public, private, or other type of
8 corporation, company, individual, or association of individuals, their
9 lessees, trustees, or receivers that owns, operates, manages, or con-
10 trols a plant, pipeline or system for

11 (A) furnishing electrical service to the public for
12 compensation;

13 (B) furnishing cable television, telephone, or tele-
14 communication service to the public for compensation;

15 (C) furnishing water, sewer, or steam service to the
16 public for compensation; and

17 (D) furnishing oil or natural or manufactured gas to the
18 public for compensation;

19 (2) "service" means a commodity, product, use, facility,
20 convenience or other form of service which is offered and provided by a
21 utility regulated or certificated by the Alaska Public Utilities Com-
22 mission under AS 42.05 for the convenience and necessity of the public.

23 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
24 070(c).