

Introduced: 1/16/79
Referred: Judiciary and
State Affairs

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 31

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH 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 Transportation and Public
16 Facilities under AS 19.10.040, 19.10.050, or 19.10.160 for the
17 system of which the highway involved is a part and in effect at
18 the time the design was 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

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

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

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

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

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

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

(6) is based on the grant, issuance, refusal, extension, delay, or denial of a license, permit, appeal, approval, exception, variance, or other entitlement, or a re-zoning.

* Sec. 2. This Act takes effect immediately in accordance with AS 01.-10.070(c) and applies to all legal actions filed after the effective date of this Act.