

Original sponsor: Rules Committee
by Request

Offered: 4/11/80
Referred: Rules

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 523 am

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

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 42.20.030 is amended by adding a new subsection to read:

25 (b) A person is civilly liable to the utility whose property is
26 negligently damaged under (a)(1), (2), (3), or (4) of this section in a
27 sum equal to the amount of the damages sustained.

28 * Sec. 3. AS 42.20 is amended by adding a new section to read:

29 Sec. 42.20.031. JURISDICTION. The district court has jurisdiction

1 of civil actions filed under AS 42.20.030.

2 * Sec. 4. AS 42.20 is amended by adding new sections to read:

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

6 (1) the person possesses or has access to a utility service
7 metering device which is being used to meter utility service and has
8 been interfered with, avoided, or altered to inhibit or prevent the
9 accurate measurement of utility service without the permission of the
10 utility or the person has access to a utility line which has been tapped
11 without the permission of the utility; and

12 (2) the person enjoys the use or receives the economic bene-
13 fit of the unmetered utility service; provided, however, that privately
14 owned telecommunication "disks" are excepted if they are in compliance
15 with AS 42.20.30.

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

17 (1) "utility" means an enterprise, whether publicly or pri-
18 vately owned or operated, which provides gas, electric, steam, water,
19 sewer, or telecommunications service;

20 (2) "service" means a commodity, product, use, facility,
21 convenience or other form of service which is offered and provided by a
22 utility.

23 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
24 070(c).