

Original sponsors: Adams, Haugen and
Beirne by request

Offered: 2/19/82
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 332 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act limiting the civil liability of aviation fuel
7 refiners; and providing for an effective date."

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

9 * Section 1. FINDINGS. The legislature finds that

10 (1) aviation is essential to the life of every Alaskan, in com-
11 munications, commerce, and in emergencies;

12 (2) refiners distributing aviation fuel in Alaska perform an
13 important service by supplying high quality products throughout the state;

14 (3) once aviation fuel has been transferred by a refiner to the
15 storage tanks of a third party, a refiner has no control over the continued
16 quality and integrity of the fuel;

17 (4) in the event of a civil action arising from an aircraft acci-
18 dent, it may be unfair to hold a refiner liable for the quality and integrity
19 of fuel which was placed in aircraft fuel tanks after transfer from the
20 refiner to a third party;

21 (5) without protection from unreasonable liability, refiners may
22 be forced to withdraw from the Alaska aviation fuel market.

23 * Sec. 2. AS 09.65 is amended by adding a new section to read:

24 Sec. 09.65.140. CIVIL LIABILITY OF AN AVIATION FUEL REFINER. (a)

25 An aviation fuel refiner is liable in a civil action for injuries result-
26 ing from the use of contaminated or impure fuel only when the aviation
27 fuel refiner

28 (1) intentionally, recklessly, or through gross negligence,
29 causes or contributes to an injury; or

1 (2) transfers the aviation fuel directly into the fuel tanks
2 of an aircraft.

3 (b) In this section

4 (1) "aviation fuel refiner" means a company, corporation, or
5 individual who owns or controls, or controls through a substantially
6 owned subsidiary, partnership, or joint venture, a refinery used for the
7 production of aviation fuel;

8 (2) "injury" includes death, personal injury, and property
9 damage whether tangible or intangible.

10 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-
11 070(c).