

Introduced: 1/30/81
Referred: Labor & Commerce and
Judiciary

1 IN THE SENATE

BY COLLETTA BY REQUEST

2 SENATE BILL NO. 123

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST 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
18 accident, it is unfair to hold a refiner liable for the quality and integri-
19 ty 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 not liable in a civil action for injuries
26 resulting from the use of contaminated or impure fuel in an aircraft.

27 (b) This section does not apply to an aviation fuel refiner who

28 (1) intentionally causes an injury or whose gross negligence
29 causes or contributes to an injury; or

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

3 (c) 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
7 the 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).