

Offered: 6/21/83  
Referred: Rules

Original sponsors: Hurlbert and Cowdery

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 126 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act limiting the liability of aircraft owners or  
7 operators for personal injury or death to guest  
8 passengers."

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

10 \* Section 1. FINDINGS AND INTENT. The legislature finds that aircraft  
11 hitchhiking is a common and accepted practice in the state, especially in  
12 roadless areas, but that aircraft owners and operators are reluctant to  
13 give rides to hitchhikers because they may be sued for negligence in the  
14 event of an accident. It is the intent of the legislature to encourage  
15 hospitality on the part of aircraft operators and owners by limiting their  
16 liability exposure to guests. This Act should be liberally construed to  
17 achieve this goal.

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

19 Section 09.65.140. LIMITATION ON LIABILITY FOR INJURIES TO OR  
20 DEATH OF GUEST IN AIRCRAFT. (a) Notwithstanding other provisions of  
21 law, a guest who rides in an aircraft may not recover damages from the  
22 owner or operator of the aircraft for personal injuries to, or the  
23 death of, the guest resulting from the ride in the aircraft, unless  
24 the plaintiff in the action establishes that the injury or death was  
25 caused by the intoxication or gross negligence of the operator of the  
26 aircraft. This limitation does not apply to aircraft used for commer-  
27 cial operations or operations for which the owner or operator receives  
28 direct or indirect compensation.

29 (b) In this section "guest" means a person who requests

1 gratuitous passage and is carried in an aircraft with the consent of  
2 the owner or operator of the aircraft without compensating the owner  
3 or operator for the aircraft ride.