

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) am S
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 or that the guest was not accurately informed of the pilot's
27 certification and experience level and the condition and operating
28 status of the aircraft. This limitation does not apply to aircraft
29 used for commercial operations or operations for which the owner or

1 operator receives direct or indirect compensation.

2 (b) In this section "guest" means a person who requests gratu-
3 itous passage and is carried in an aircraft with the consent of the
4 owner or operator of the aircraft without compensating the owner or
5 operator for the aircraft ride.