

Introduced: 1/12/84
Referred: Labor & Commerce
and Judiciary

BY HURLBERT, FRITZ
AND COWDERY

1 IN THE HOUSE

2 HOUSE BILL NO. 509

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to aviation fuel refiners; and
7 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
11 communications, commerce, and 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 may be unfair to hold a refiner liable for the quality and
19 integrity of fuel that was placed in aircraft fuel tanks after transfer
20 from the refiner to a third party; and

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. 09.65.093. CIVIL LIABILITY OF AN AVIATION FUEL REFINER.

25 (a) An aviation fuel refiner is liable in a civil action for injuries
26 resulting from the use of contaminated or impure fuel only when the
27 aviation 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
2 tanks of an aircraft.

3 (b) The delivery of aviation fuel into drums containing at least
4 50 gallons may not be considered, as a matter of law, to constitute
5 intentional, reckless, or grossly negligent conduct within the meaning
6 of (a)(1) of this section.

7 (c) In this section

8 (1) "aviation fuel refiner" means a person who owns or
9 controls, or controls through a substantially owned subsidiary, part-
10 nership, or joint venture, a refinery used for the production of
11 aviation fuel;

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

14 * Sec. 3. AS 45.45 is amended by adding a new section to read:

15 Sec. 45.45.910. SALE OF AVIATION FUEL. An aviation fuel refiner
16 may not refuse to sell aviation fuel solely because the purchaser
17 provides drums of 50 gallons or more into which the aviation fuel is
18 to be delivered. In this section "aviation fuel refiner" has the
19 meaning given in AS 09.65.093.

20 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).