

Offered: 3/29/84
Referred: Judiciary

Original sponsors: Hurlbert, Fritz
and Cowdery

TEF

1 IN THE HOUSE

BY THE LABOR AND
COMMERCE COMMITTEE

2

CS FOR HOUSE BILL NO. 509 (L&C)

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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 suppliers; 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) suppliers 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 supplier to the
15 storage tanks of a third party, a supplier has no control over the con-
16 tinued 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 supplier liable for the contamination
19 of fuel that was placed in aircraft fuel tanks after transfer from the
20 supplier to a third party; and

21 (5) without protection from unreasonable liability, suppliers
22 may 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 SUPPLIER.

25 (a) An aviation fuel supplier is liable in a civil action for in-
26 juries resulting from the use of contaminated or impure fuel only when
27 the aviation fuel supplier

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

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

3 (b) The delivery of aviation fuel into drums may not be con-
4 sidered, as a matter of law, to constitute conduct described in (a)(1)
5 of this section.

6 (c) In this section

7 (1) "aviation fuel supplier" means a person or business who
8 sells or exchanges aviation fuel in the state;

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

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

12 Sec. 45.45.910. SALE OF AVIATION FUEL. An aviation fuel sup-
13 plier may not refuse to sell aviation fuel solely because the pur-
14 chaser provides drums into which the aviation fuel is to be delivered.
15 In this section "aviation fuel supplier" has the meaning given in
16 AS 09.65.093.

17 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).