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and Cowdery

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 509 (Judiciary)
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 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; and
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.
21 * Sec. 2. AS 09.65 is amended by adding a new section to read:
22 Sec. 09.65.093. CIVIL LIABILITY OF AN AVIATION FUEL SUPPLIER.
23 (a) An aviation fuel supplier may be held liable in a civil action
24 for injuries resulting from the use of contaminated or impure fuel
25 only when the aviation fuel supplier transfers the contaminated or
26 impure aviation fuel directly into the fuel tanks of an aircraft.
27 (b) The limitation of liability in (a) of this section does not
28 apply unless at the time of the sale the purchaser signs a sales
29 invoice or other sales document that clearly states that

1 (1) the purchaser assumes all risks of contaminated or
2 impure aviation fuel;

3 (2) water contamination is an inherent risk of improperly
4 stored fuel; and

5 (3) refers to the limitation on liability under (a) of this
6 section.

7 (c) This section does not apply to a sale of mislabeled fuel.

8 (d) In this section

9 (1) "aviation fuel supplier" means a person or business
10 that sells or exchanges aviation fuel in the state;

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

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

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

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