

Introduced: 1/18/83
Referred: Health, Education and Social
Services and Judiciary

1 IN THE SENATE

BY ZIEGLER AND HALFORD

2

SENATE BILL NO. 26

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act providing for immunity from civil liability
7 for certain persons who render services in response
8 to hazardous materials emergencies."

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

10 * Section 1. AS 09.65 is amended by adding a new section to read:

11 Sec. 09.65.091. CIVIL LIABILITY FOR RESPONDING TO HAZARDOUS
12 MATERIAL EMERGENCY. (a) A person who provides care, assistance,
13 advice, or aid upon request of a police agency, fire department,
14 rescue or emergency squad, or other governmental agency in the event
15 of an accident or other emergency involving the use, handling, trans-
16 portation, transmission, or storage of a hazardous material when the
17 circumstances reasonably require prompt decisions and actions is not
18 liable for civil damages as a result of an act or omission in render-
19 ing care, assistance, advice, or aid.

20 (b) This section does not preclude liability for civil damages
21 if the person rendering aid under (a) of this section

22 (1) causes damage as a result of gross negligence or reck-
23 less or intentional misconduct;

24 (2) except for a peace officer, fire fighter, or other
25 public employee whose employment requires responding to an accident or
26 other emergency described in (a) of this section, causes damage as a
27 result of simple negligence in the normal and ordinary course of
28 conducting that person's business or profession;

29 (3) owns, leases, or otherwise controls the facilities or