

HB

423

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: HB423-LAW-2-9-04
 Bill Version: HB423
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to accidents involving the RDU CIVIL
vehicle of a person under the influence of an alcoholic..." Component Torts and Workers' Compensation
 Sponsor Representative Anderson
 Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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| CAPITAL EXPENDITURES | | | | | | |
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|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: *(Attach a separate page if necessary)*

This bill limits the liability for personal injury, death, or property damage resulting from a motor vehicle accident in circumstances where the damages result from driving the vehicle of a person under the influence of an alcoholic beverage.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
 Division: Administrative Services Date/Time 2/9/04 1:15 PM
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/9/2004
 Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB423-DPS-ABC-2-9-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Taxicab Driver Liability RDU Statewide Support
 Component ABC Board
 Sponsor Rep. Anderson
 Requester H.State Affairs Component No. 2690

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Service.. | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

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| CHANGE IN REVENUES () | | | | | | |
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|---|------------|------------|------------|------------|------------|------------|
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| 1004 GF | | | | | | |
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| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0
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POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)

This bill provides legal liability protection to taxicab/limousine drivers and liquor licensees and their employees trying to provide a "safe ride" home for alcohol impaired patrons.

No fiscal impact is anticipated to the Department of Public Safety.

Prepared by: Doug Griffin, Director Phone 269-0351
 Division ABC Board Date/Time 2/9/04 2:28 PM
 Approved by: Commissioner William Tandeske Date 2/9/2004
 Agency Public Safety

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. Jim Holm
Rep. Dan Ogg
Rep. Ralph Samuels
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Leg. Legal

From: Vanessa Tondini, Committee Aide
House Judiciary Committee

Date: March 26, 2004

Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 23-LS1600N, HB 423, incorporating the attached two amendments (Amendments 2A and 2B). The bill was passed out of committee today.

If you have any questions, please call me at 4990. Thank you!

The information attached to this memo is **CONFIDENTIAL** an/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

2 Amendments to CSAB 423 (JUD)
"E" versions by Grunberg

Amendment #2A - PASSED

page 1 line 7 after "by" insert "or on behalf of"

Amendment #2B - PASSED

page 2 line 12 after "person insert "or entity"

HB423

Gara ^N

Amendment 3 - FAILED

A page 2 line 19, after "vehicle", insert
"or other applicable."



Amendment #1 -

WITHDRAWN
by Samuels

N

~~Liability on the~~

~~Cab driver driving the~~

~~Cab~~

The ~~auto~~^{auto} insurance that

covers the driver ~~and~~ also

covers the taxi-cab driver

that drives the car from

the licensed premises to the

home or ~~the~~ directed location of

the original driver.

23-LS1600V
Luckhaupt
3/17/04

CS FOR HOUSE BILL NO. 423()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE ANDERSON

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to accidents involving the vehicle of a person under the influence of an**
2 **alcoholic beverage."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

5 **Sec. 09.65.300. Damages resulting from driving the vehicle of a person**
6 **under the influence of an alcoholic beverage. (a) A person is not liable beyond the**
7 **limits of any applicable insurance policy purchased by the owner of the vehicle for**
8 **damages resulting from a motor vehicle accident if the person was driving a vehicle**
9 **involved in the accident and**

10 **(1) before the accident, started driving the vehicle involved in the**
11 **accident from or near licensed premises;**

12 **(2) is, at the time of the accident, a person employed in the course and**
13 **scope of employment to or under contract to drive a taxicab or limousine, a taxicab or**
14 **limousine owner, a holder of a taxicab or limousine permit issued by a municipality,**

1 or an owner or employee of a company that dispatches taxicabs or limousines;

2 (3) was not under the influence of an alcoholic beverage, inhalant, or
3 controlled substance at the time of the accident;

4 (4) was driving the vehicle to the motor vehicle owner's residence or
5 designated residential location at the request of the motor vehicle owner or operator or
6 a law enforcement officer; and

7 (5) was driving the vehicle because the motor vehicle owner or
8 operator was under the influence of an alcoholic beverage or reasonably believed to be
9 under the influence of an alcoholic beverage.

10 (b) A person licensed under AS 04.11.080 - 04.11.250, or an agent or
11 employee of the person, is not liable for damages resulting from a motor vehicle
12 accident described under (a) of this section. A person that participates in making
13 arrangements for transportation of a vehicle under (a) of this section is not liable for
14 damages resulting from a motor vehicle accident described in (a) of this section.

15 (c) This section does not

16 (1) preclude liability for civil damages as a result of gross negligence
17 or reckless or intentional misconduct; or

18 (2) limit the ability of a person to recover damages under any
19 applicable uninsured or under insured motor vehicle insurance coverage.

20 (d) A motor vehicle owner is considered to have given consent to another
21 person to drive the owner's motor vehicle if the other person is involved in an accident
22 and the provisions of (a) of this section apply to the other person.

23 (e) In this section,

24 (1) "controlled substance" has the meaning given in AS 28.33.190;

25 (2) "inhalant" has the meaning given to the phrase "hazardous volatile
26 material or substance" in AS 47.37.270;

27 (3) "licensed premises" has the meaning given in AS 04.21.080.

28 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 APPLICABILITY. This Act applies to a civil action that accrues on or after the
31 effective date of this Act.

1 * **Sec. 3.** AS 09.65.300 is repealed July 1, 2007.

ALASKA STATE LEGISLATURE
House of Representatives

COMMITTEE ASSIGNMENTS
LABOR & COMMERCE COMMITTEE, CHAIRMAN
COMMUNITY & REG AFFAIRS COMMITTEE, MEMBER
SPECIAL COMMITTEE ON OIL & GAS, MEMBER
ADMINISTRATIVE REGULATION REVIEW COMMITTEE, MEMBER

website: <http://www.akRepublicans.org/Anderson.htm>



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ANCHORAGE, AK 99501
PHONE (907) 269-0265
FAX: (907) 269-0264

SESSION
ALASKA STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE: (907) 465-4939
1-800-465-4939
FAX: (907) 465-2418

Representative Tom Anderson

email: Representative_Tom_Anderson@legis.state.ak.us

MEMORANDUM

DATE: March 9, 2004
TO: Representative Lesil McGuire
Chairman, House Judiciary Committee
FROM: Representative Tom Anderson
RE: HB 423 Taxicab Driver Liability

At your earliest convenience, please schedule House Bill 423 Taxicab Driver Liability for a hearing in the House Judiciary Committee. Attached please find the completed bill packet.

Under HB 423, taxicab operators who transport intoxicated persons or who drive an intoxicated person's motor vehicle to their home or another directed location would be not civilly liable for damages. HB 423 allows a taxicab operator to drive an intoxicated person home while a second operator follows them home in their vehicle.

Thank you for your time and consideration of this matter.

Alaska State Legislature

House of Representatives



Official Business

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT FOR HB 423

BY: Representative Tom Anderson

TITLE: "An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage; and providing for an effective date."

House Bill 423 is a "Good Samaritan" bill for taxicab operators who transport intoxicated persons or who drive an intoxicated person's motor vehicle to their home or another directed location. Absent gross negligence or reckless or intentional misconduct, a person engaging in this activity would not be civilly liable for damages.

There are times when Alaskans find themselves in an "end of evening" dilemma – they are over the .08 blood alcohol limit and shouldn't drive, but are worried and reluctant to leave their car unattended overnight. HB 423 resolves this dilemma by allowing a taxicab operator to drive an intoxicated person home while a second operator follows them home in their vehicle.

This legislation would allow the intoxicated person and his or her vehicle to get home safely without the taxicab operator fearing liability. HB 423 promotes responsible behavior and encourages people to do the right thing and not drive while intoxicated.

I urge your support of this important piece of legislation.

23-LS1600H
Luckhaupt
3/8/04

CS FOR HOUSE BILL NO. 423(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE ANDERSON

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to accidents involving the vehicle of a person under the influence of an**
2 **alcoholic beverage."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

5 **Sec. 09.65.300. Damages resulting from driving the vehicle of a person**
6 **under the influence of an alcoholic beverage. (a) A person is not liable for personal**
7 **injury, death, or property damage resulting from a motor vehicle accident if the person**
8 **was driving a vehicle involved in the accident and**

9 **(1) before the accident, started driving the vehicle involved in the**
10 **accident from or near licensed premises;**

11 **(2) is, at the time of the accident, a person employed in the course and**
12 **scope of employment to or under contract to drive a taxicab or limousine, a taxicab or**
13 **limousine owner, a holder of a taxicab or limousine permit issued by a municipality,**
14 **or an owner or employee of a company that dispatches taxicabs or limousines;**

1 (3) was not under the influence of an alcoholic beverage, inhalant, or
2 controlled substance at the time of the accident;

3 (4) was driving the vehicle to the motor vehicle owner's residence or
4 designated residential location at the request of the motor vehicle owner or operator or
5 a law enforcement officer; and

6 (5) was driving the vehicle because the motor vehicle owner or
7 operator was under the influence of an alcoholic beverage or reasonably believed to be
8 under the influence of an alcoholic beverage.

9 (b) A person licensed under AS 04.11.080 - 04.11.250, or an agent or
10 employee of the person, is not liable for personal injury, death, or property damage
11 resulting from a motor vehicle accident described under (a) of this section.

12 (c) This section does not preclude liability for civil damages as a result of
13 gross negligence or reckless or intentional misconduct.

14 (d) A motor vehicle owner is considered to have given consent to another
15 person to drive the owner's motor vehicle if the other person is involved in an accident
16 and the provisions of (a) of this section apply to the other person.

17 (e) In this section,

18 (1) "controlled substance" has the meaning given in AS 28.33.190;

19 (2) "inhalant" has the meaning given to the phrase "hazardous volatile
20 material or substance" in AS 47.37.270;

21 (3) "licensed premises" has the meaning given in AS 04.21.080.

22 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 APPLICABILITY. This Act applies to a civil action that accrues on or after the
25 effective date of this Act.

26 * Sec. 3. AS 09.65.300 is repealed July 1, 2007.

Alaska State Legislature

House of Representatives



Official Business

State Capitol
Juneau, AK 99801-1182

SECTIONAL ANALYSIS HOUSE BILL 423 BY: Representative Tom Anderson

TITLE: "An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage; and providing for an effective date."

- Section 1:** Adds new section to 09.65. Under certain specific circumstances, a taxicab operator is not civilly liable for personal injury or death during the transportation of an intoxicated person or an intoxicated person's vehicle except as a result of gross negligence or reckless or intentional misconduct. Additionally, owner of vehicle or third-party may not bring civil action against taxicab operator unless gross negligence or reckless or intentional misconduct is involved.
- Section 2:** Applicability section.
- Section 3:** Effective date: July 1, 2004

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: HB423-LAW-2-9-04
Bill Version: HB423
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
Title "An Act relating to accidents involving the RDU CIVIL
vehicle of a person under the influence of an alcoholic..." Component Torts and Workers' Compensation
Sponsor Representative Anderson
Requester House Judiciary Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2005 | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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| CAPITAL EXPENDITURES | | | | | | |
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|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|---|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type--Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: *(Attach a separate page if necessary)*
This bill limits the liability for personal injury, death, or property damage resulting from a motor vehicle accident in circumstances where the damages result from driving the vehicle of a person under the influence of an alcoholic beverage.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
Division Administrative Services Date/Time 2/9/04 1:15 PM
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/9/2004
Agency Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

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 () Publish Date: _____

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 Title Taxicab Driver Liability RDU Statewide Support
 Component ABC Board
 Sponsor Rep. Anderson
 Requester H.State Affairs Component No. 2690

Expenditures/Revenues (Thousands of Dollars)

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| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

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| CHANGE IN REVENUES () | | | | | | |
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No fiscal impact is anticipated to the Department of Public Safety.

Prepared by: Doug Griffin, Director Phone 269-0351
 Division ABC Board Date/Time 2/9/04 2:28 PM
 Approved by: Commissioner William Tandeske Date 2/9/2004
 Agency Public Safety

John L. George and Associates
3328 Fritz Cove Road
Juneau Alaska 99801
Tel.907 789-0172 Fax 907 789-6964

Honorable Tom Anderson
Chairman
House labor and Commerce Committee
State Capitol
Juneau, Alaska 99801

Re: House Bill 423

Dear Representative Anderson,

I represent the Property Casualty Insurers Association of America. PCI member companies write thirty eight percent of the automobile insurance premium in the state. The PCI supports HB423 with the amended language faxed to me by your staff on March 15. These amendments preserve recovery by injured individuals from existing insurance policies while they appropriately relieve persons arranging transportation for impaired drivers from liability.

There is no question that insurers and insured owners are better served by having a non impaired permissive driver operating a motor vehicle when the owner is impaired. This bill is a positive step toward removing drunk drivers from the highway.

Sincerely,

John L. George



MADD
Activism | Victim Services | Education™

Mothers Against Drunk Driving
JUNEAU CHAPTER
211 4th St., Suite 314
Juneau, AK 99801
Phone (907)463-2562
Fax (907)463-2540
madd@alaska.net
www.madd.org/ak/juneau

February 10, 2004

Representative Tom Anderson
State Capitol, room 432
Juneau, Alaska 99801

Re: House Bill 423
"An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage; and providing for an effective date."

Dear Representative Anderson:

The MADD Alaska Chapters, *Anchorage, Fairbanks, Juneau and Mat-Su*, support House Bill 423.

House Bill 423 will encourage and protect designated drivers. It is imperative that support is provided for those who drive potential drunk drivers to their destination. A designated driver is "life insurance" for all who use our road system.

House Bill 423 would create a deterrent for those who might otherwise drive impaired if unable to find an alternative method of transportation.

While annual alcohol-related traffic fatalities have decreased by more than 33 percent over the past few decades, the latest statistics show a recent increase with more than 17,400 people killed and more than half a million others injured in alcohol-related crashes in 2002.

Alaska had 87 traffic deaths of which 35 were alcohol-related(40%) in 2002. The previous year our state lost 47 Alaskans out of 89 (53%) because of alcohol.

Sincerely,

Cindy Cashen

Executive Director

Subject: TAXI BILL From Frank Dahl

Date: Mon, 01 Mar 2004 20:22:15 -0900

From: Frank Dahl <frankdahl@customcpu.com>

To: Representative_Tom_Anderson@legis.state.ak.us

DUI taxi bill a positive approach

By Frank Dahl

During lent and upcoming Easter holiday, many of us center on our faith and family, but also on our dedication and responsibility to each other. House Bill 423 is a perfect example of taking responsibility one step further by truly watching out for our friends and patrons. And many state House members agree as they ponder the passage of this bill seeing what could be its positive effects.

Sponsored by Rep. Tom Anderson, this proposed legislation will help reduce our DUI (driving under the influence) problem. The premise behind Rep. Anderson's proposal is that people fail to find an alternative means of transportation when they feel they may be legally intoxicated because they do not wish to incur the cost of a cab, risk vandalism to their vehicle or be hindered by retrieval of their vehicle the next morning. With no "perceived" alternative, they opt to drive home intoxicated. Many arrive safely at home, but for those who are arrested, or cause an accident or injury, the consequences surpass the negligible cost of a cab or time spent returning the next day sober to locate the car.

Initially proposed by the Anchorage Downtown Partnership and Downtown License Beverage Association and solidly supported by Anchorage CHARR, the concept is to provide a means through which an intoxicated individual, hesitant to drive because he/she is above the legal limit, (most recently reduced to a new low, .08% blood alcohol content), can ask for an employee at the participating bar or restaurant to request cab service, not only for him/herself, but also for the car. The cab company will dispatch a cab with an extra driver who will subsequently drive the patron's car home at the same time the intoxicated patron is driven home in the cab. Not a bad idea! And best of all, public safety is not compromised...

Not only does this solution instill a partnership mentality between community, patron and business, but it also reminds residents of the fact that the hospitality industry cares about your safety. Anchorage Cabaret, Restaurant and Retailers Association (CHARR) , wholeheartedly endorses the concept. And many establishments have endorsed the bill and are eager to participate upon enactment of the program. In the end, it's a win-win for everyone.

One concern that has arisen stems from the potential for a lawsuit if the cab company employee, who drives the individual's vehicle home, causes an accident from negligence. The context of the bill is intended to hold harmless the driver, cab company and licensed establishment if intentional misconduct is not a factor. In other words, no one will be liable for acting responsibly. To that end, we must formulate effective insurance language in the bill to maintain the integrity of the no-liability intent.

During troubled times, certain members of society tend to find it easier to cast the first stone, rather than seek lasting solutions to complicated issues like alcohol abuse and DUI prevention. The easiest approach is to criticize our laws and legislators, and be reactive, rather than proactive. Or, to mandate harsher penalties and fill our correctional system beyond its capacity while increasing our need for more taxes. And, of course, we must always expect certain self serving groups to demand more taxes on individual industries as a supposed answer. Higher prices have never dissuaded the addicted toward lesser consumption. No matter how hard one tries, it is impossible to understand the mindset of why people do what they do. Drunks don't make thought-out decisions. They act and react. Driving under the influence is no exception. Many of us are guilty of bad judgment in some form. The solution lies in curbing behavior with "quality" treatment, education and hope, or as an alternative, preventing behavior like driving under the influence from even happening.

HB 423 eliminates the consequences of a DUI, while at the same time partnering with the hospitality industry, with the cab company with the insurance industry, in concert with law enforcement at the city and state level. The innovators and sponsor of this bill should be commended for a novel and positive approach to a growing problem that doesn't need to exist.

HB 423 is right on target for a controllable problem. And it will save the state of Alaska real tax dollars.

Let 2004 be the year of understanding and compassion, neighbor helping neighbor. Let this year be one in which we stop casting stones and instead, embrace, using the stones to build a bridge of cooperation. Rep. Andersons HB 423 can be the first step.



Presents

“OFF THE ROAD PROGRAM”

**A free ride home for you and your car
Let us all add safety to our community. Together we can make
Anchorage a safer place to live.**

**ANCHORAGE Cabaret, Hotel, Restaurant, and Retailers Association
(CHARR)
OFF THE ROAD PROGRAM**

Our Vision:

Anchorage CHARR, a unified financially sound organization to protect, foster and grow the hospitality industry serving a strong membership and to maintain a positive relationship with the Anchorage community.

Our Mission:

Our mission is to serve and represent the hospitality industry within the Municipality of Anchorage. Collaborate with responsible members, stakeholders, and businesses as a vital part of the community.

Our Concerns:

Unintentional acts created by patron drivers of vehicles under the influence that may be harmful to other members of the community. This may occur when:

- **A patron has a need for their vehicle the following morning and does not want the inconvenience of collecting the vehicle.**
- **Vehicles can be towed for a number of reasons thus incurring unwanted costs.**
- **There is also the possibility the vehicle could be vandalized and/or burglarized.**
- **Simply the patron choose not to pay or can not pay for the cost of a taxi.**

"These are reasons some patrons may justify drinking and driving"

Our Solution:

To provide a safe mode of transportation for the patron and his/her vehicle. This service can be requested by the patron or by the determination of the establishment to limit liabilities and to protect the general public. This accompaniment program would be provided by the municipal licensed chauffeurs (taxi cab drivers).

- **Transportation provided from the establishment to the patrons home.**
- **Patron and vehicle arrive home safe together.**
- **Limited or no cost to the patron for this service.**
- **Educate establishment staff and public of the availability of this program and the benefits that it provides.**



January 21, 2004

In order for this program to be successful the cab companies and the liquor establishments must work and communicate closely. To help facilitate this program, the establishments will implement the following strategies and policies:

- 1. Place signs near pay phones, direct lines to cab companies and in other conspicuous areas of the establishment such as restrooms and near the exits where signs can be easily read.**
- 2. Train the establishment staff members on the availability of this program, how to inform patrons, and how to implement the procedures agreed upon by program officials.**
- 3. Make public service announcements (PSA) on in-house sound systems (if establishment is equipped) from time to time and at closing time to help influence patrons decisions to use the program.**
- 4. Pay a portion of the cab fare cost agreed upon by establishments and program officials.**
- 5. Promote program from time to time in conjunction with other advertising and promotions. Make program informational hand outs available to patrons in the establishments.**
- 6. Track program usage (in conjunction with the cab companies) to assess effectiveness and demographics and to provide informational statistics for program officials to use in promoting and or improving this program.**

Anchorage CHARR feels, with the establishments implementing these strategies and policies will help assure the success of this exciting and new collaboration.

**John G. Pattee
Anchorage CHARR**

***RNT Services D.B.A. Checker Cab Company
3215 Mountain View Drive
Anchorage, Alaska 99501-3108
Office (907) 274-3333 Fax (907) 258-7775 24-Hour Dispatch (907) 276-1234***

Regarding: Off The Road Program

In order for this program to work and be successful the Restraunt's, Lounge's and all Taxicab Companies **MUST** work together and communicate closely with everyone. To help facilitate this, Checker Cab Company will implement the following procedure and policies:

1. We will have a minimum of six (6) designated taxi drivers on duty every night to be available for this program.
2. We will set a flat rate fee of \$40.00 per car deliveries made from any licensed establishment to one (1) destination in the Anchorage Area, for **BOTH** the patron and his/her vehicle.
3. Every Car Delivery that we do will be logged into a log book in the Dispatch office as it comes in, so it will be easy to track our progress with this program and how well it is working to benefit the Anchorage Community.
4. Train All Taxicab Drivers and Dispatch Employees with our Company about this program, incase designated driver's are not available they will be able to cover the car delivery safely.
5. Promote, with all the taxi drivers help, how this program is available to **ALL** Customers headed to any drinking establishment in the Anchorage Area, A Safe and Convenient way to enjoy all licensed establishments and not have to worry about retrieving their vehicle the next day if it has not been towed away.

RNT Services and Checker Cab Company feel that this program will work to help solve some of the drinking and driving problems that exist here in the Anchorage Area and will make the Community a much safer community for everyone to live in.

Nancy R Brockway
Owner - RNT Services
Office Manager - Checker Cab Company

Bill jumps 'Off the Road' hurdle

■ DRUNK: Program would see car, driver home by cabbie.

The Associated Press

JUNEAU — Drunken drivers and their vehicles could get a ride home if a bill that passed the House on Tuesday has its intended effect.

State Rep. Norm Rokeberg, R-Anchorage, introduced the bill, which limits liability for taxis transporting drunken drivers' cars. He said he's trying to clear the way for an Anchorage program called "Off the Road" to get off the ground.

The Downtown Licensed Beverage Association, the Downtown Partnership and corporate sponsors have pitched in to fund the program, which would pay for cab drivers to take both an individual and his car home from participating downtown bars,

Rokeberg said.

The program should remove one obstacle that prevents drunken drivers from giving up their keys, Rokeberg said.

"Many drivers are really reluctant to leave their dearest possession, sometimes their vehicle, in a parking lot," Rokeberg said.

Often they need their car to get to work the next day, they worry about vandalism or they fear it will be towed, he said.

High insurance costs have kept the "Off the Road" program from starting, Rokeberg said. He said insurance would have cost taxi companies \$1,000 per month per cab.

The bill exempts cab drivers operating the drunken drivers' vehicle from liability in an accident except in cases of gross negligence or reckless or intentional misconduct.

The vehicle owner's insurance would still have to pay for damages in an accident, the

same as if the owner had been driving.

Rep. Eric Croft, D-Anchorage, said that provision removed his concern about the bill. Without it, he said, he had feared accident victims would have no recourse.

The bill passed the House 37-0. Rep. John Davies, D-Fairbanks, gave notice of reconsideration of his vote, so the measure could come up for a final vote today. After that, it would go to the Senate.

The measure is House Bill 68.

In other news at the Capitol

on Tuesday:

• The House State Affairs Committee approved House Joint Resolution 30, by Rep. Pete Kott, R-Eagle River. It urges the U.S. Congress to begin the process of amending the U.S. Constitution to prohibit desecration of the U.S. flag.

• Groups on both sides of the abortion issue held rallies on the Capitol steps to commemorate the anniversary of Roe vs. Wade, the U.S. Supreme Court decision that legalized abortion in the United States.



Map of shopping, public facilities and medium- to high-density areas in downtown Anchorage. A red box highlights a focal area for seven sub-areas in the Anchorage Downtown Partnership.

(907) 336-7178

The Bradley House

Feb 11 2004 5:12PM

Wednesday, January 30, 2002 B-7

oice of the Times

A CONSERVATIVE VOICE FOR ALASKANS

WILLIAM J. TOBIN

Senior editor

DUI taxi bill a positive approach

By FRANK DAHL

The early part of the year is a time for reflection, for many reasons. Many of us center on our faith and family and lives; but also on our dedication and responsibility to each other. House Bill 68 is a perfect example of taking responsibility one step further by truly watching out for our friends and patrons. And the state House agrees, as they recently passed the bill to the state Senate.

Sponsored by Rep. Norma Rokeberg, this proposed legislation will help reduce our DUI (driving under the influence of alcohol) problem. The premise behind Rep. Rokeberg's proposal is that people fail to find an alternative means of transportation when they are legally intoxicated because they do not wish to incur the cost of a cab, risk vandalism to their vehicle or be hindered by retrieval of their vehicle the next morning. With no "paralyzed" alternative, they opt to drive home intoxicated. Many arrive safely at home, but for those who are arrested, or cause an accident or injury, the consequences surpass the negligible cost of a cab or time spent returning the next day sober to locate the car.

Proposed by the Anchorage Downtown Partnership and Downtown License Beverage Association, the concept is to provide a means through which an intoxicated individual, hesitant to drive because he/she is above the legal limit (.08 blood-alcohol content), can ask an employee at the participating bar or restaurant to request cab service for himself and his vehicle. The participating cab company will dispatch a cab with an extra driver who will subsequently drive the patron's vehicle home at the same time the intoxicated patron is driven home in the cab. Not a bad idea. And best of all, public safety is not compromised.

Not only does this solution instill a partnership mentality between community, patron and business, but it also



reminds residents of the fact that the hospitality industry cares about your safety. Anchorage Cabaret, Hotel, Restaurant & Retailers Association, for example, wholeheartedly endorses the concept. And many establishments have endorsed the bill and are eager to participate upon enactment of the program. In the end, it's a win-win for everyone.

One concern that has arisen stems from the potential for a lawsuit. If the cab company employee, who drives the individual's vehicle home, causes an accident from negligence. The context of the bill is intended to hold harmless the driver, cab company and licensed establishment if intentional misconduct is not a factor. In other words, no one will be liable for acting responsibly. To that end, we must formulate effective insurance language in the bill to maintain the integrity of the no-liability intent.

During troubled times, members of society tend to find it easier to cast the first stone, rather than seek lasting solutions to issues like alcohol abuse and DUI prevention. The easiest approach is to criticize our laws and legislators, and be reactive, rather than proactive. Or, mandate harsher penalties and fill our correctional system beyond its capacity while increasing our need for more taxes.

But sometimes, no matter how hard one tries, it is impossible to understand the mindset of why people do what they do. Drunks don't make thought-out decisions. They act and react. Driving under the influence is no exception. Many of us are guilty of bad judgment. The solution lies in curbing behavior with quality treatment and education, or, as an alternative, preventing behavior like driving under the influence from even happening.

HB 68 eliminates the consequence of a DUI, while at the same time partnering the hospitality industry with the cab industry with the insurance industry, in concert with law enforcement at the city and state level. The innovators and sponsor of this bill should be commended for a novel and positive approach to a growing problem that doesn't need to exist.

HB 68 is right on target for a controllable problem. And it will save the state of Alaska real tax dollars.

Let 2002 be the year of understanding, neighbor helping neighbor. Let this year be one in which we stop casting stones and instead, embrace using the stones to build a bridge of cooperation. HB 68 can be the first step.

Frank Dahl is president of the Anchorage Cabaret, Hotel, Restaurant and Retailers Association (CHARF).



Dahl

Anchorage CHARR
 OFF THE ROAD PROGRAM
 Budget

| Category | July | August | September | October | November | December | Total |
|----------------------------|----------------|---------------|----------------|----------------|----------------|----------------|---------------|
| Operation: | | | | | | | |
| Salaries | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Payroll taxes | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Accounting | 500 | 500 | 500 | 500 | 500 | 500 | 3000 |
| Tax return preparation | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bank charges | 100 | 100 | 100 | 100 | 100 | 100 | 600 |
| Advertising (events) | 0 | 0 | 14,000 | 16,000 | 0 | 0 | 30000 |
| Printing | 0 | 0 | 8,000 | 0 | 2,000 | 0 | 10000 |
| Entertainment | 100 | 100 | 100 | 100 | 100 | 100 | 600 |
| Telephone | 50 | 50 | 50 | 50 | 50 | 50 | 300 |
| Utilities | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Repairs & Maint. | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Administrative O.H. | 2312.5 | 2312.5 | 2312.5 | 2312.5 | 2312.5 | 2312.5 | 13875 |
| Medical Insurance | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Insurance - other | 500 | 500 | 500 | 500 | 500 | 500 | 3000 |
| Legal | 4000 | | 2000 | 0 | 0 | 2000 | 8000 |
| Transportation cost | 6000 | 6000 | 6000 | 6000 | 6000 | 6000 | 36000 |
| Miscellaneous | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Subtotal Operations | 13562.5 | 9562.5 | 33562.5 | 25582.5 | 11582.5 | 11562.5 | 105375 |

BUDGET
Continuation

| Category | January | February | March | April | May | June | Total |
|----------------------------|----------------|---------------|----------------|----------------|----------------|----------------|---------------|
| Operation: | | | | | | | |
| Salaries | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Payroll taxes | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Accounting | 500 | 500 | 500 | 500 | 500 | 500 | 3000 |
| Tax return preparation | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Bank charges | 100 | 100 | 100 | 100 | 100 | 100 | 600 |
| Advertising (events) | 0 | 0 | 14,000 | 16,000 | 0 | 0 | 30000 |
| Printing | 0 | 0 | 8,000 | 0 | 2,000 | 0 | 10000 |
| Entertainment | 100 | 100 | 100 | 100 | 100 | 100 | 600 |
| Telephone | 50 | 50 | 50 | 50 | 50 | 50 | 300 |
| Utilities | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Repairs & Maint. | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Administrative O.H. | 2312.5 | 2312.5 | 2312.5 | 2312.5 | 2312.5 | 2312.5 | 13875 |
| Medical Insurance | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Insurance - other | 500 | 500 | 500 | 500 | 500 | 500 | 3000 |
| Legal | 4000 | | 2000 | 0 | 0 | 2000 | 8000 |
| Transportation cost | 6000 | 6000 | 6000 | 6000 | 6000 | 6000 | 36000 |
| Miscellaneous | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Subtotal Operations | 13562.5 | 9562.5 | 33562.5 | 25562.5 | 11562.5 | 11562.5 | 105375 |

Bill Text



BILL ID: HB 68

00 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 68 (JUD) (efd am)

01 "An Act relating to accidents involving the vehicle of a person under the influen

02 alcoholic beverage; and providing for an effective date."

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

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

05 Sec. 09.65.280. Damages resulting from driving the vehicle of a perso

06 under the influence of an alcoholic beverage. (a) A person is not liable

07 injury, death, or property damage resulting from a motor vehicle accident i

08 was driving a vehicle involved in the accident and

09 (1) before the accident, started driving the vehicle involved in

10 accident from or near licensed premises; -

11 (2) is, at the time of the accident, a person employed to or und

12 contract to drive a taxicab or limousine, a taxicab or limousine owner, a h

13 taxicab or limousine permit issued by a municipality, or an owner or employ

14 company that dispatches taxicabs or limousines;

01 (3) was not under the influence of an alcoholic beverage at the

02 the accident;

03 (4) was driving the vehicle to the motor vehicle owner's residen

04 the request of the motor vehicle owner or a law enforcement officer; and

05 (5) was driving the vehicle because the motor vehicle owner or

06 operator was under the influence of an alcoholic beverage or reasonably bel

07 under the influence of an alcoholic beverage.

08 (b) A person licensed under AS 04.11.080 - 04.11.250, or an agent or

09 employee of the person, is not liable for personal injury, death, or proper

10 resulting from a motor vehicle accident described under (a) of this section

11 (c) This section does not preclude liability for civil damages as a r

12 gross negligence or reckless or intentional misconduct.

13 (d) A motor vehicle owner is considered to have given consent to anot

14 person to drive the owner's motor vehicle if the other person is involved i

15 and the provisions of (a) of this section apply to the other person.

16 (e) In this section, "licensed premises" has the meaning given in

17 AS 04.21.080.

18 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a ne

19 read:

20 APPLICABILITY. This Act applies to a civil action that accrues on or after

21 effective date of this Act.

22 * Sec. 3. This Act takes effect July 1, 2002.

Bill Root:

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[Return to Basis Main Menu \(22nd Legislature\)](#)

[Return to Legislature Home Page](#)

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSSSHB 68(JUD)
 (H) Publish Date: 1/22/02

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to accidents involving the BRU Civil Division
vehicle of a person under the influence of an alcoholic ..." Component Special Litigation
 Sponsor Representative Rokeberg
 Requester House Judiciary Committee Component No. 2213

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

| OPERATING EXPENDITURES | FY 2003 | FY 2004 | FY 2005 | FY 2006 | FY 2007 | FY 2008 |
|------------------------|------------|------------|------------|------------|------------|------------|
| Personal Services | | | | | | |
| Travel | | | | | | |
| Contractual | | | | | | |
| Supplies | | | | | | |
| Equipment | | | | | | |
| Land & Structures | | | | | | |
| Grants & Claims | | | | | | |
| Miscellaneous | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| CAPITAL EXPENDITURES | | | | | | |
|-----------------------------|--|--|--|--|--|--|

| | | | | | | |
|-------------------------------|--|--|--|--|--|--|
| CHANGE IN REVENUES () | | | | | | |
|-------------------------------|--|--|--|--|--|--|

FUND SOURCE (Thousands of Dollars)

| | | | | | | |
|--|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1037 GF/Mental Health | | | | | | |
| Other (Specify Type-Do not abbreviate) | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

| | | | | | | |
|-----------|--|--|--|--|--|--|
| Full-time | | | | | | |
| Part-time | | | | | | |
| Temporary | | | | | | |

ANALYSIS: (Attach a separate page if necessary)
 CSSS HB 68 (JUD) prevents anyone from bringing a civil action for personal injury, death, or property damage against the driver when the driver holds a taxicab or limousine permit, or is the owner or other employee of a taxicab or limousine company, and is involved in a motor vehicle accident while driving an intoxicated owner's vehicle to the owner's residence from a licensed premises at the request of the owner or a law enforcement officer. The immunity from civil liability does not extend to cases of gross negligence or reckless or intentional misconduct.

Passage of this legislation will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone (907) 465-5370
 Division: Attorney General's Office Date/Time 1/17/02 10:57 AM
 Approved by: Bob Meiners for Bruce M. Botelho, Attorney General Date 1/17/2002
 Agency: Department of Law

Journal Text



01-22-2002 House Journal 2032

The Rules Committee submitted the following updated fiscal note:

2. Zero, Dept. of Law

Representative James moved and asked unanimous consent that the following committee substitute be adopted in lieu of the original bill:

CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO.
68 (JUD)

"An Act relating to accidents involving the vehicle of a person under the influence of an alcoholic beverage; and providing for an effective date."

There being no objection, it was so ordered.

Amendment No. 1 was offered by Representative Rokeberg:

Page 2, line 22:

Delete "2001"

Insert "2002"

Representative Rokeberg moved and asked unanimous consent that Amendment No. 1 be adopted. There being no objection, it was so ordered.

Representative James moved and asked unanimous consent that CSSSHB 68 (JUD) (efd am) be considered engrossed, advanced to third reading, and placed on final passage. There being no objection, it was so ordered.

CSSSHB 68 (JUD) (efd am) was read the third time.

The question being: "Shall CSSSHB 68 (JUD) (efd am) pass the House?" The roll was taken with the following result:

CSSSHB 68 (JUD) (efd am)

Third Reading

Final Passage

YEAS: 37 NAYS: 0 EXCUSED: 3 ABSENT: 0

01-22-2002 House Journal 2033

Yeas: Berkowitz, Bunde, Chenault, Cissna, Coghill, Crawford, Croft, Davies, Dyson, Fate, Foster, Green, Guess, Halcro, Harris, Hayes, Hudson, James, Joule, Kapsner, Kerttula, Kookesh, Kott, Lancaster, McGuire, Meyer, Morgan, Moses, Mulder, Murkowski, Ogan, Porter, Rokeberg, Stevens, Whitaker, Williams, Wilson

Excused: Kohring, Masek, Scalzi

And so, CSSSHB 68 (JUD) (efd am) passed the House.

Representative James moved and asked unanimous consent that the

roll call on the passage of the bill be considered the roll call on the effective date clause. There being no objection, it was so ordered.

Representative Davies gave notice of reconsideration of the vote on CSSSHB 68(JUD) (efd am).

Bill Root:

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[Return to Basis Main Menu \(22nd Legislature\)](#)

[Return to Legislature Home Page](#)

Changes to House Bill 423:

- Page 1, lines 11, insert language after “a person employed” in the course and scope of employment. This was added to clarify that the driver must be currently working for the taxicab company at the time of the accident.
- Page 2, line 1, after the words “alcoholic beverage” insert, inhalant, or controlled substance. This language conforms to the description given in AS 28.35.030 of a person driving under the influence.
- Page 2, line 3, after the words “owner’s residence” insert or designated residential location. This is a clarification so people will not abuse the service by having the taxicab operators drive them to another bar.

23-LS1600W
Luckhaupt
3/3/04

CS FOR HOUSE BILL NO. 423()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE ANDERSON

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to accidents involving the vehicle of a person under the influence of an**
2 **alcoholic beverage; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

5 **Sec. 09.65.300. Damages resulting from driving the vehicle of a person**
6 **under the influence of an alcoholic beverage. (a)** A person is not liable for personal
7 **injury, death, or property damage resulting from a motor vehicle accident if the person**
8 **was driving a vehicle involved in the accident and**

9 (1) before the accident, started driving the vehicle involved in the
10 accident from or near licensed premises;

11 (2) is, at the time of the accident, a person employed in the course and
12 scope of employment to or under contract to drive a taxicab or limousine, a taxicab or
13 limousine owner, a holder of a taxicab or limousine permit issued by a municipality,
14 or an owner or employee of a company that dispatches taxicabs or limousines;

1 (3) was not under the influence of an alcoholic beverage, inhalant, or
2 controlled substance at the time of the accident;

3 (4) was driving the vehicle to the motor vehicle owner's residence or
4 designated residential location at the request of the motor vehicle owner or a law
5 enforcement officer; and

6 (5) was driving the vehicle because the motor vehicle owner or
7 operator was under the influence of an alcoholic beverage or reasonably believed to be
8 under the influence of an alcoholic beverage.

9 (b) A person licensed under AS 04.11.080 - 04.11.250, or an agent or
10 employee of the person, is not liable for personal injury, death, or property damage
11 resulting from a motor vehicle accident described under (a) of this section.

12 (c) This section does not preclude liability for civil damages as a result of
13 gross negligence or reckless or intentional misconduct.

14 (d) A motor vehicle owner is considered to have given consent to another
15 person to drive the owner's motor vehicle if the other person is involved in an accident
16 and the provisions of (a) of this section apply to the other person.

17 (e) In this section,

18 (1) "controlled substance" has the meaning given in AS 28.33.190;

19 (2) "inhalant" has the meaning given to the phrase "hazardous volatile
20 material or substance" in AS 47.37.270;

21 (3) "licensed premises" has the meaning given in AS 04.21.080.

22 * Sec. 2. The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 APPLICABILITY. This Act applies to a civil action that accrues on or after the
25 effective date of this Act.

26 * Sec. 3. This Act takes effect July 1, 2004.