

HB

423

# ALASKA STATE LEGISLATURE

## House of Representatives

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SPECIAL COMMITTEE ON OIL & GAS, MEMBER  
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website: <http://www.akrepublicans.org/Anderson.htm>

INTERIM  
716 WEST 4TH AVENUE, SUITE 650  
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](mailto:Representative_Tom_Anderson@legis.state.ak.us)

### MEMORANDUM

**DATE:** April 30, 2004

**TO:** Senator Ralph Seekins  
Chairman, Senate Judiciary Committee

**FROM:** Representative Tom Anderson 

**RE:** CSHB 423(JUD)am Taxicab Driver Liability

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At your earliest convenience, please calendar House Bill 423 Taxicab Driver Liability for a hearing in the Senate Judiciary Committee.

Under CSHB 423(JUD) am, a taxicab operator who transports a motor vehicle owned by an intoxicated person to their home or another directed residential location would be not civilly liable for damages. CSHB 423(JUD) am allows a taxicab operator to drive an intoxicated person home while a second operator follows them home in their vehicle.

HB 423 was amended in the House State Affairs Committee by adding a repeal date of July 1, 2007. In the House Judiciary Committee, CSHB 423(STA) was amended to include any organizations or entities participating in this program.

Attached please find the completed bill packet, which includes:

- The most recent version of HB 423
- Fiscal Notes:
  - Department of Law
  - Department of Public Safety
- Sponsor Statement
- Explanation of all changes

- Sectional Analysis
- Support letters from:
  - John George
  - MADD
- Anchorage Daily News article by Frank Dahl (published March 9, 2004)
- Anchorage CHARR "Off the Road Program" packet

Thank you for your consideration of this matter.

# Alaska State Legislature

## House of Representatives



Official Business

State Capitol  
Juneau, AK 99801-1182

### **SPONSOR STATEMENT FOR CSHB 423(JUD) am** **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 bill for taxicab operators who transport a motor vehicle owned by an intoxicated person to their home or another directed residential location. (Another cab will take the intoxicated person to the same residential location.) Absent gross negligence or reckless or intentional misconduct, a person engaged 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 the intoxicated person's vehicle.

This legislation would allow the intoxicated person and his or her vehicle to get home safely without the taxicab operator who drives the intoxicated person's vehicle 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.

# Alaska State Legislature

## House of Representatives



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### SECTIONAL ANALYSIS CSHB 423(JUD) am 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 a motor vehicle owned by an intoxicated person to their home or another directed residential location 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:** Repeal date: July 1, 2007.

### Changes to HB 423 in (H) STA

Page 1, line 11, after the language "a person employed" insert, 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.

HB 423 was amended in the House State Affairs Committee by adding a repeal date of July 1, 2007. Since this is a pilot program in Anchorage it is important to report back to the legislature how successful this program has been.

### Changes to CSHB 423(STA) in (H) JUD

Page 1, lines 6-7, after the word "liable" delete [for personal injury, death, or property damage]. Page 1, lines 6-7, after "liable" insert, beyond the limits of any applicable insurance policy purchased by or on behalf of the owner of the vehicle for damages.

Page 2, line 10, delete "personal injury, death, or property damage", and insert any damages. This new language does not limit the damages to personal injury, death, or property damage.

Page 2, lines 12-15, insert A person or entity that participates in making arrangements for transportation of a vehicle under (a) of this section is not liable for damages resulting from a motor vehicle accident described in (a) of this section. This new language gives the organization or person (entity) administering this program the same immunity from civil damages as the taxicab operator.

### Changes to CSHB 423(JUD) on the House Floor

Page 2, line 18:  
Delete "or"

Page 2, line 20, following "coverage":  
Insert "; or"

(3) limit the ability of a person to recover damages under any applicable liability insurance coverage purchased by or on behalf of the person being transported under (a) of this section"

**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



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

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Anchorage Daily News

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**Novel bill can reduce DWI incidents****COMPASS: Points of view from the community**

By FRANK DAHL

*(Published: March 9, 2004)*

During Lent and the upcoming Easter holiday, many of us center on our faith and family as well as 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 would help reduce our driving-while-intoxicated 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 home safely, but for those who are arrested or who 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.

Solidly supported by Anchorage Cabaret, Hotel, Restaurant and Retailers Association, the concept is to provide a means through which an intoxicated individual, hesitant to drive because he or she is above the legal limit (recently reduced to a new low), can ask for an employee at the participating bar or restaurant to request cab service, not only for himself or herself but also for the car. The cab company would dispatch a cab with an extra driver who would drive the patron's car home at the same time the intoxicated patron is driven home in the cab. Not a bad idea!

Not only does this solution instill a partnership mentality among community, patron and business, but it also reminds residents of the fact that the hospitality industry cares about your safety. Anchorage CHARR wholeheartedly endorses the concept.

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 DWI 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. 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 would eliminate the consequences of a DWI while at the same time working with the hospitality industry, with the cab companies, 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 would save the state 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. Anderson's HB 423 can be the first step.

Frank Dahl is owner of Blues Central in Anchorage.

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**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**

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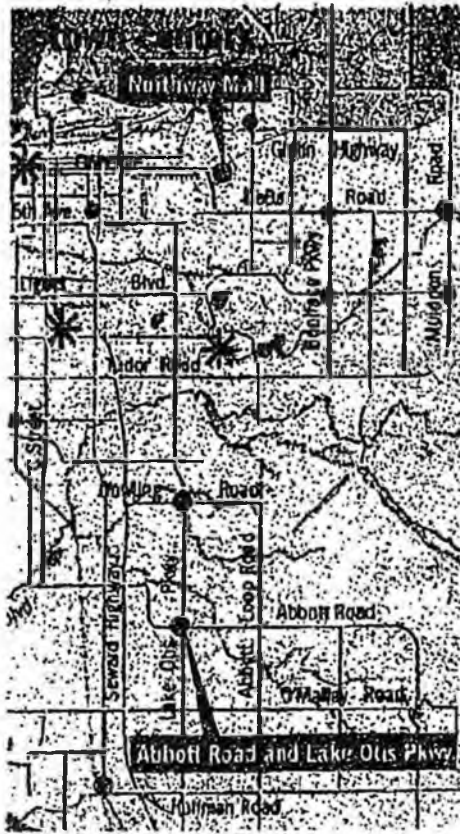
**Regarding: Off The Road Program**

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



mix of shopping, public facilities and medium- to high-density  
is a local goal for seven sub-areas in the Anchorage Bowl

# 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 Kolt, 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.

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. Norm 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 "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.

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 (CHARA).

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
<b>Subtotal Operations</b>	<b>13562.5</b>	<b>9562.5</b>	<b>33562.5</b>	<b>25582.5</b>	<b>11562.5</b>	<b>11562.5</b>	<b>105375</b>

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
<b>Subtotal Operations</b>	<b>13562.5</b>	<b>9562.5</b>	<b>33562.5</b>	<b>25562.5</b>	<b>11562.5</b>	<b>11562.5</b>	<b>105375</b>

**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;  
15 (3) was not under the influence of an alcoholic beverage at the  
16 the accident;  
17 (4) was driving the vehicle to the motor vehicle owner's residen  
18 the request of the motor vehicle owner or a law enforcement officer; and  
19 (5) was driving the vehicle because the motor vehicle owner or  
20 operator was under the influence of an alcoholic beverage or reasonably bel  
21 under the influence of an alcoholic beverage.  
22 (b) A person licensed under AS 04.11.080 - 04.11.250, or an agent or  
employee of the person, is not liable for personal injury, death, or proper  
resulting from a motor vehicle accident described under (a) of this section  
(c) This section does not preclude liability for civil damages as a r  
gross negligence or reckless or intentional misconduct.  
(d) A motor vehicle owner is considered to have given consent to anot  
person to drive the owner's motor vehicle if the other person is involved i  
and the provisions of (a) of this section apply to the other person.  
(e) In this section, "licensed premises" has the meaning given in  
AS 04.21.080.  
\* Sec. 2. The uncodified law of the State of Alaska is amended by adding a ne  
read:  
APPLICABILITY. This Act applies to a civil action that accrues on or after  
effective date of this Act.  
\* Sec. 3. This Act takes effect July 1, 2002.

Bill Root:

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### 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  
vehicle of a person under the influence of an alcoholic ..." BRU Civil Division  
 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

Journal Text for HB68 in the 22nd Legislature

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).

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# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSHB 423(STA)  
 (H) Publish Date: 3/12/04

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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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: 2  
Bill Version: CSHB 423(STA)  
(H) Publish Date: 3/12/04

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 Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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 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