



LAWS OF ALASKA

1980

Source

HCS CSSB 523

Chapter No.

68

AN ACT

Relating to public utilities; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 12, 1980
Actual Effective Date: June 13, 1980

AN ACT

Relating to public utilities; and providing
for an effective date.

* Section 1. AS 42.20.030 is amended to read:

Sec. 42.20.030. [PUNISHMENT AND] CIVIL LIABILITY FOR DAMAGES TO OR INTERFERENCE WITH A UTILITY LINE AND FOR TAKING UTILITY SERVICE [INJURY TO, INTERFERENCE WITH, OR OBSTRUCTION OF TELEGRAPH, TELEPHONE, ELECTRIC, OR GAS LINES]. A person is civilly [GUILTY OF A MISDEMEANOR, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH, AND IS] liable to the utility [COMPANY OR PERSON] whose property is damaged [INJURED, OR LINE OBSTRUCTED, OR CURRENT DIVERTED,] in a sum equal to three times the amount of the actual damages sustained [,] and three times the value of the service taken [PRICE OF THE CURRENT, LIGHT, POWER, OR GAS DIVERTED OR USED,] if he intentionally or in the exercise of gross negligence

(1) damages [WILFULLY AND MALICIOUSLY CUTS, BREAKS, OR THROWS DOWN] a pole, tree, pipeline, or other object used in a utility line [OF TELEGRAPH, TELEPHONE, GAS LINE, OR SYSTEM FOR THE TRANSMISSION OF LIGHT OR POWER BY USE OF ELECTRICITY, OR GAS BY PIPELINE];

(2) damages [WILFULLY AND MALICIOUSLY BREAKS, DISPLACES, OR INJURES] an insulator in use in the line [,] or damages or [WILFULLY AND MALICIOUSLY CUTS, BREAKS, AND] removes from its insulator any wire used in a utility line [FOR ANY OF THE PURPOSES SET FORTH IN (1) OF THIS SECTION];

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1 (3) damages [BY ANY INTERFERENCE WILFULLY AND MALICIOUSLY
2 DESTROYS] the insulation of the line [,] or interrupts the transmission
3 of the service [ELECTRIC CURRENT] through it [,] or damages [WILFULLY
4 AND MALICIOUSLY DESTROYS] the protective wrapping of a water, oil, or
5 gas pipeline;

6 (4) damages [WILFULLY AND MALICIOUSLY INJURES, MOLESTS, OR
7 DESTROYS] property or materials [APPERTAINING TO ANY OF THESE LINES OR]
8 belonging to a utility [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT OR POWER
9 COMPANY, OR GAS COMPANY];

10 (5) [WILFULLY AND MALICIOUSLY] interferes with the use of a
11 utility [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT OR POWER LINE OR GAS]
12 line, or obstructs or postpones the transmission of service over a util-
13 ity [A MESSAGE OVER A TELEGRAPH OR TELEPHONE] line; [, OR]

14 (6) procures or advises damage [INJURY, INTERFERENCE, OR
15 OBSTRUCTION] to any utility [TELEGRAPH, TELEPHONE, ELECTRIC LIGHT, POWER
16 OR GAS] line;

17 (7) [(6) WILFULLY AND MALICIOUSLY] interferes with or alters
18 a meter or other device for the measuring of service from a utility
19 [CURRENT, POWER, OR GAS]; or

20 (8) [(7)] without the permission of the utility takes service
21 from the utility [AUTHORITY OF THE OWNER DIVERTS, USES, OR APPROPRIATES
22 A MESSAGE OR CURRENT] or taps a wire or line used for the transmission
23 of service [MESSAGES, CURRENT, POWER OR GAS,] or procures or advises
24 this to be done.

25 * Sec. 2. AS 42.20.030 is amended by adding a new subsection to read:

26 (b) A person is civilly liable to the utility whose property is
27 negligently damaged under (a)(1), (2), (3), (4), or (5) of this section
28 in a sum equal to the amount of the damages sustained.

29 * Sec. 3. AS 42.20 is amended by adding a new section to read:

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Sec. 42.20.031. JURISDICTION. The district court has jurisdiction of civil actions filed under AS 42.20.030.

* Sec. 4. AS 42.20 is amended by adding new sections to read:

Sec. 42.20.032. PRESUMPTION FROM USE OF NONMETERED UTILITY SERVICE. It is presumed that a person intended to deprive a utility of compensation for service from the utility if

(1) the person possesses or has access to a utility service metering device which is being used to meter utility service and has been interfered with, avoided, or altered to inhibit or prevent the accurate measurement of utility service without the permission of the utility or the person has access to a utility line which has been tapped without the permission of the utility; and

(2) the person enjoys the use or receives the economic benefit of the unmetered utility service.

Sec. 42.20.034. DEFINITIONS. In AS 42.20.030 - 42.20.034

(1) "utility" means an enterprise, whether publicly or privately owned or operated, which provides gas, electric, steam, water, sewer, or telecommunications service;

(2) "service" means a commodity, product, use, facility, convenience or other form of service which is offered and provided by a utility.

* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-070(c).