



LAWS OF ALASKA

1986

Source

SCS HB 100(Res)

Chapter No.

7

AN ACT

Relating to detention of vessels as security for oil-pollution damages; clarifying a definition relating to discharge of hazardous substances; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 11

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TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.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: March 20, 1986
Actual Effective Date: March 21, 1986

AN ACT

Relating to detention of vessels as security for oil-pollution damages; clarifying a definition relating to discharge of hazardous substances; and providing for an effective date.

* Section 1. AS 46.03.770 is amended to read:

Sec. 46.03.770. DETENTION OF VESSEL WITHOUT WARRANT AS SECURITY FOR DAMAGES. A vessel that [WHICH] is used in or in aid of a violation of AS 46.03.740 - 46.03.750 may be detained after a valid search by the department, an agent of the department, a peace officer of the state, or an authorized protection officer of the Department of Fish and Game. Upon judgment of the court having jurisdiction that the vessel was used in, or was the cause of, a violation of AS 46.03.740 - 46.03.750 with knowledge of its owner or under circumstances indicating that the owner should reasonably have had this knowledge, the vessel may be held as security for payment to the state of the amount of damages assessed by the court under AS 46.03.758, 46.03.760, and 46.03.822. If [AS 46.03.760(b), AND IF] the damages [SO] assessed are not paid within 30 days after judgment or final determination of an appeal, the vessel shall be sold at public auction, or as otherwise directed by the court, and the damages paid from the proceeds. The balance, if any, shall be paid by the court to the owner of the vessel. The court shall permit the release of the vessel upon posting of a bond set by the court in an amount not to exceed the maximum

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1 amount of damages available under AS 46.03.758, 46.03.760, and
2 46.03.822 [\$100,000]. The damages received under this section shall
3 be transmitted to the proper state officer for deposit in the general
4 fund. A vessel seized under this section shall be returned or the
5 bond exonerated if no damages are assessed under AS 46.03.758, 46.03.-
6 760, or 46.03.822 [AS 46.03.760(b)].

7 * Sec. 2. AS 46.03.826(5) is amended to read:

8 (5) "[OWNING OR] having control over a hazardous substance"
9 means producing, handling, storing, transporting, or refining a
10 hazardous substance for commercial purposes immediately before entry
11 of the hazardous substance in or upon the waters, surface, or
12 subsurface lands of the state, and specifically includes bailees and
13 carriers of a hazardous substance;

14 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).