



LAWS OF ALASKA

1990

Source

SCS CSHB 315(Res)

Chapter No.

141

AN ACT

Relating to criminal penalties for negligent operation of a tank vessel, for negligent oil discharge, for failure to comply with an oil discharge contingency plan, for negligent performance or failure to perform a required act relating to the handling of a hazardous waste, and for failure to provide information or providing false information about oil or a hazardous substance when required by law.

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

THE ACT FOLLOWS ON PAGE 1, LINE 15

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TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.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 21, 1990
Actual Effective Date: September 19, 1990

AN ACT

Relating to criminal penalties for negligent operation of a tank vessel, for negligent oil discharge, for failure to comply with an oil discharge contingency plan, for negligent performance or failure to perform a required act relating to the handling of a hazardous waste, and for failure to provide information or providing false information about oil or a hazardous substance when required by law.

* Section 1. AS 46.03 is amended by adding new sections to read:

Sec. 46.03.742. RECKLESS OPERATION OF TANK VESSEL. (a) A person commits the crime of reckless operation of a tank vessel when, by recklessly operating, navigating, or piloting a tank vessel, the person causes a release of a hazardous substance and the release causes serious physical injury to another person or damage to the property of another.

(b) Reckless operation of a tank vessel is a class C felony.

(c) In this section, "reckless" has the meaning given in AS 11.81.900.

Sec. 46.03.743. NEGLIGENT OPERATION OF TANK VESSEL. (a) A person commits the crime of negligent operation of a tank vessel when, by operating, navigating, or piloting a tank vessel with criminal negligence, the person creates an unjustifiable risk of a release of a hazardous substance or an unjustifiable risk of harm to a person or

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1 property.

2 (b) Negligent operation of a tank vessel is a class A misde
3 meanor.

4 (c) In this section, "criminal negligence" has the meaning given
5 in AS 11.81.900.

6 Sec. 46.03.744. DEFINITIONS. In AS 46.03.742 - 46.03.744,

7 (1) "hazardous substance" has the meaning given in AS 46.
8 03.826;

9 (2) "tank vessel" means

10 (A) a vessel that is constructed or adapted to carry
11 or that carries, as a means of transportation by water, a hazard-
12 ous substance in bulk as cargo or cargo residue;

13 (B) the vessel that propels the tank vessel if the
14 tank vessel is a barge or other vessel that is not self-propell-
15 ed.

16 * Sec. 2. AS 46.03.790(a) is amended to read:

17 (a) Except as provided in (d) [(d) - (f)] of this section, a
18 person is guilty of a class A misdemeanor if the person with criminal
19 negligence

20 (1) [WHO NEGLIGENTLY] violates a provision of this chapter
21 AS 46.04, or AS 46.09, [OR OF] a regulation or [, LAWFUL] order of the
22 department, or a permit, approval, or acceptance, or a term or condi-
23 tion of a permit, approval, or acceptance issued under this chapter,
24 AS 46.04, or AS 46.09;

25 (2) fails to provide information or provides false informa-
26 tion required by AS 46.03.755, AS 46.04, or AS 46.09, or by a regula-
27 tion adopted by the department under AS 46.03.755, AS 46.04, or
28 AS 46.09; or

29 (3) makes a false statement or representation in an

1 application, label, manifest, record, report, permit, or other docu-
2 ment filed, maintained, or used for purposes of compliance with
3 AS 46.03.250 - 46.03.314 applicable to hazardous wastes or a regula-
4 tion adopted by the department under AS 46.03.250 - 46.03.314 [IS
5 GUILTY OF A CLASS B MISDEMEANOR].

6 * Sec. 3. AS 46.03.790(d) is amended to read:

7 (d) Notwithstanding (a) [AND (b)] of this section, a person who
8 with criminal negligence discharges oil in violation of AS 46.03.740
9 or who, when required by an oil discharge to comply with the pro-
10 visions of an oil discharge contingency plan approved under AS 46.-
11 04.030, with criminal negligence fails to comply with the plan is
12 guilty of

13 (1) a class C felony if the oil discharge is 10,000 barrels
14 or more;

15 (2) a class A misdemeanor if the oil discharge is less than
16 10,000 barrels [FAILS TO PROVIDE OR FALSELY STATES INFORMATION RE-
17 QUIRED UNDER AS 46.03.755, AS 46.04, OR AS 46.09 IS GUILTY OF A MISDE-
18 MEANOR AND, UPON CONVICTION, IS PUNISHABLE BY A FINE OF NOT MORE THAN
19 \$25,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH.
20 EACH UNLAWFUL ACT CONSTITUTES A SEPARATE OFFENSE].

21 * Sec. 4. AS 46.03.790 is amended by adding a new subsection to read:

22 (g) In this section,

23 (1) "barrel" has the meaning given in AS 46.04.900;

24 (2) "criminal negligence" has the meaning given in AS 11.-
25 81.900;

26 (3) "knowingly" has the meaning given in AS 11.81.900.

27 * Sec. 5. AS 46.03.790(b), 46.03.790(e), and 46.03.790(f) are repealed.
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