

a fine not more than five hundred dollars, or by both such fine and imprisonment.

Section 5. An emergency is hereby declared to exist ^{Emergency.} and this act to be in full force and effect from and after its passage and approval.

Approved May 4, 1933.

CHAPTER 116.

AN ACT

[S. B. 58]

For the protection of passengers carried or transported for hire or reward in civil aircraft and to require persons engaged in commercial flying or in operating civil aircraft in Alaska to effect and maintain security for their ability to respond in damages arising out of personal injuries to or death of passengers carried or transported for hire or reward in such aircraft.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. No person engaged in commercial flying or in operating a civil aircraft in Alaska shall carry or transport any passenger for hire or reward in such aircraft without first effecting and thereafter, while so engaged, maintaining security, as hereinafter required, for such person's ability to respond in damages resulting from the flying or operation of such aircraft and arising by reason of personal injury to or death of any such passenger in the amount of at least \$5,000.00 for each such passenger who may sustain such personal injury or death.

Person operating aircraft must maintain security—for injuries to passengers—amount.

Section 2. Such security shall consist either of a policy or policies of insurance, with one or more good and reputable insurers, to be approved by the Auditor, who are authorized to engage in business in Alaska, insuring said person against damages as aforesaid, or,

Insurance or bond required—approval by Auditor.

else, of a written bond, with two or more free-holders and residents of the Territory of Alaska as sureties thereon, to be approved by the Auditor, conditioned that said persons will respond in damages as aforesaid.

Insurance and bonds shall be filed with Auditor—

Section 3. All such policies of insurance,* or certified copies thereof, and all such original bonds shall be filed with the Territorial Auditor, who, upon the filing thereof, shall immediately issue and deliver to the person owning or operating said aircraft, a receipt therefor. The receipt covering filing of such insurance policy or policies, or certified copies thereof, shall contain a statement of the amount of insurance covered by and the date of the expiration of such policy or policies, the name and address of the insurer or insurers, and the name of the insured. The receipt covering filing of such bond shall contain a statement of the amount of said bond, and the names and addresses of the principal and sureties thereon.

Receipt, contents.

Receipt copy to be carried in aircraft—exception.

Section 4. The owner or operator of such aircraft shall maintain at all times, in a public place in such aircraft, a correct copy of said receipt, and no passenger shall be carried or transported for hire or reward in any aircraft unless said receipt is so posted therein, except in emergency cases a letter or telegram from the Territorial Auditor, stating the issuance of said receipt, may be temporarily posted in place of said receipt.

Cancellation of insurance or bond—notice to Auditor.

Section 5. No such policy of insurance and no such bond shall be cancelled or terminated except upon fifteen days' written notice first having been filed with the Territorial Auditor, nor then, as to any passenger, his heirs, executors, administrators and assigns, if, prior to the expiration of said fifteen days such passenger has suffered personal injury or death by the flying or operation of such aircraft. At the expiration of said fifteen days said Auditor's receipt covering the filing of said policy or bond shall be immediately re-

moved from said aircraft and returned to said Territorial Auditor.

Section 6. Each passenger, carried or transported for hire or reward in an aircraft, and his heirs, executors, administrators and assigns, are hereby given, should an execution, on a final judgment for damages arising by nature of personal injury to or death of such passenger and resulting from the flying or operation of such aircraft, and in favor of such passenger, or his heirs, executors, administrators, or assigns, and against the person operating or owning such aircraft, be returned unsatisfied, a right of action, to the same extent that the insured in such policy or policies would have had had such insured paid such final judgment, against the insurer or insurers under each policy of insurance so filed with the Territorial Auditor for the purpose of effecting the herein required security for damages resulting from the flying or operation of that aircraft; and each passenger, carried or transported for hire or reward in an aircraft, and his heirs, executors, administrators and assigns are hereby given the right to institute and maintain actions and suits upon each bond, so filed with the Territorial Auditor, for the purpose of effecting the herein required security for damages resulting from the flying or operation of that aircraft, for the recovery of damages, subject to the aforesaid limitations unless said limitations are expressly enlarged or extended by the terms of said bond, arising by reason of personal injury to or death of such passenger and resulting from the flying or operation of such aircraft.

Right of action given, when.

Section 7. All policies of insurance and all bonds effected or given by persons engaged in commercial flying or in operating civil aircraft in Alaska, for the carrying or transporting of passengers for hire or reward, shall be construed and conclusively presumed to contain all of the terms and conditions prescribed by this Act, and no policy of insurance or bond that does

Policies and bonds presumed to contain provisions of this Act.

- Bond to run to Territory. not contain all of such terms and conditions shall be approved or accepted for filing by the Auditor. Each such bond shall run to the Territory of Alaska for the benefit of the passengers, transported or carried for hire or reward in such aircraft, and of the heirs, executors, administrators and assigns of such passengers.
- Justification of sureties, amount. The sureties on such bond shall justify thereon in the manner now or hereafter provided by law for the justification of bail in cases of criminal arrest, and they shall justify for a total sum of not less than double the amount of said bond. The principal or any surety may cancel said bond, but subject to the conditions contained in Section 5 hereof. The liability of principal and sureties on such bond shall be joint and several, but the surety on any bond may limit, by express terms, his money liability thereon, provided the total amount of liability assumed by all the sureties on any such bond shall not be less than the amounts stated in Section 1 hereof.
- Cancellation of bond, how made.
- No aircraft to carry passenger without insurance or bond. Section 8. No passenger shall be carried or transported for hire or reward in any aircraft unless such aircraft is then covered by either insurance or bond as herein provided.
- No fees charged by Auditor. Section 9. No fees shall be charged by the Territorial Auditor for filing policies of insurance or bonds, or for issuing receipts therefor hereunder.
- Penalty for violations. Section 10. Any person engaged in commercial flying or in operating a civil aircraft in Alaska, who shall carry or transport any passengers for hire or reward without then having in force insurance or bond as herein provided, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$5.00, nor more than \$1,000.00, or by imprisonment in jail for not more than one year, or by both such fine and imprisonment, and may also be prohibited, in the discretion of the Court

from engaging in commercial flying or in operating a civil aircraft in Alaska for such time as the court may determine.

Approved May 4, 1933.

CHAPTER 117.

AN ACT

[S. B. 91]

To provide for the installation, maintenance and operation of a radio telephone system in this Territory; to make an appropriation for that purpose; to repeal Chapter 90, Session Laws of Alaska, 1931.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. The Territorial Board of Road Commissioners is hereby granted authority to cause to be installed, established, maintained and operated a radio telephone system throughout the Territory; to connect or cause the same to be connected and operated in conjunction with radio and other stations of communication maintained and/or operated by the United States through the Washington Alaska Military Cable and Telegraph system or other agency; to co-operate with the United States and the officers in charge of said or any other system of communication; it shall promulgate rules and regulations for the use, conduct and operation of such stations and to fix the tolls to be collected from patrons and the manner and method of accounting for the same; all net tolls collected shall be covered into the Territorial Treasury there to be kept in a special fund to be designated "Radio Telephone Fund", to be expended for the maintenance of the Radio Telephone system.