

REFERENCE TITLE: **limited liability; space flight activities**

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2163

Introduced by
Representatives Orr, Cardenas, Dial, Sherwood, Steele: Borrelli,
Livingston

AN ACT

AMENDING TITLE 12, CHAPTER 5, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-558; RELATING TO SPACE FLIGHT LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 5, article 3, Arizona Revised Statutes,
3 is amended by adding section 12-558, to read:

4 12-558. Limited liability: space flight activities: definitions

5 A. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, A SPACE FLIGHT
6 ENTITY IS NOT LIABLE TO ANY PERSON FOR A SPACE FLIGHT PARTICIPANT'S INJURY
7 THAT ARISES OUT OF SPACE FLIGHT ACTIVITIES IF THE SPACE FLIGHT PARTICIPANT
8 SIGNS A LIABILITY RELEASE AGREEMENT AS PRESCRIBED IN SUBSECTION C OF THIS
9 SECTION.

10 B. THIS SECTION DOES NOT LIMIT LIABILITY FOR A SPACE FLIGHT
11 PARTICIPANT'S INJURY THAT IS EITHER:

12 1. PROXIMATELY CAUSED BY THE SPACE FLIGHT ENTITY'S GROSS NEGLIGENCE
13 EVIDENCING WILFUL OR WANTON DISREGARD FOR THE SAFETY OF THE SPACE FLIGHT
14 PARTICIPANT.

15 2. INTENTIONALLY CAUSED BY THE SPACE FLIGHT ENTITY.

16 C. A SPACE FLIGHT ENTITY MAY REQUIRE A SPACE FLIGHT PARTICIPANT TO
17 SIGN A LIABILITY RELEASE AGREEMENT AS A CONDITION OF PARTICIPATION IN ANY
18 SPACE FLIGHT ACTIVITY. THE PARTICIPANT SHALL SIGN THE LIABILITY RELEASE
19 AGREEMENT BEFORE PARTICIPATION IN SPACE FLIGHT ACTIVITIES BEGINS. THE
20 LIABILITY RELEASE AGREEMENT MUST INCLUDE THE FOLLOWING LANGUAGE:

21 AGREEMENT AND WARNING

22 I UNDERSTAND AND ACKNOWLEDGE THAT A SPACE FLIGHT ENTITY IS
23 NOT LIABLE FOR A SPACE FLIGHT PARTICIPANT'S INJURY THAT MAY
24 INCLUDE INJURY, DAMAGES OR DEATH OF A SPACE FLIGHT PARTICIPANT
25 RESULTING FROM SPACE FLIGHT ACTIVITIES. I UNDERSTAND THAT I
26 HAVE ACCEPTED ALL RISK OF INJURY, DAMAGES OR DEATH AND ANY OTHER
27 LOSS THAT MAY RESULT FROM SPACE FLIGHT ACTIVITIES. I UNDERSTAND
28 THAT I AM WILLING AND ABLE TO ACCEPT FULL RESPONSIBILITY FOR MY
29 OWN SAFETY AND WELFARE AND RELEASE THE SPACE FLIGHT ENTITY AND
30 ITS OWNERS, LESSEES, AGENTS AND OPERATORS FROM LIABILITY.

31 D. A LIABILITY RELEASE AGREEMENT UNDER SUBSECTION C OF THIS SECTION IS
32 EFFECTIVE AND ENFORCEABLE IF IT IS ALL OF THE FOLLOWING:

33 1. IN WRITING AND PRINTED IN NOT LESS THAN TEN POINT TYPE.

34 2. A SEPARATE DOCUMENT FROM ANY OTHER AGREEMENT BETWEEN THE SPACE
35 FLIGHT PARTICIPANT AND THE SPACE FLIGHT ENTITY.

36 3. SIGNED BY THE SPACE FLIGHT PARTICIPANT AND A COMPETENT WITNESS.

37 E. FOR THE PURPOSES OF THIS SECTION:

38 1. "CREW" MEANS AN EMPLOYEE OF A SPACE FLIGHT ENTITY OR A SPACE FLIGHT
39 ENTITY CONTRACTOR, LICENSEE OR AGENT WHO PERFORMS SPACE FLIGHT ACTIVITIES.

40 2. "LAUNCH" MEANS A PLACEMENT OR ATTEMPTED PLACEMENT OF A LAUNCH
41 VEHICLE AND ANY SPACECRAFT, PAYLOAD, CREW OR SPACE FLIGHT PARTICIPANT IN A
42 SUBORBITAL TRAJECTORY, EARTH ORBIT OR OUTER SPACE, INCLUDING ACTIVITIES
43 INVOLVED IN THE PREPARATION OF A LAUNCH VEHICLE OR SPACECRAFT FOR LAUNCH.

1 3. "LAUNCH VEHICLE" MEANS A VEHICLE AND ITS STAGES OR COMPONENTS THAT
2 ARE DESIGNED TO OPERATE IN OR PLACE SPACECRAFT, IF ANY, IN A SUBORBITAL
3 TRAJECTORY, EARTH ORBIT OR OUTER SPACE.

4 4. "REENTRY" MEANS A RETURN OR ATTEMPTED RETURN TO EARTH OF A LAUNCH
5 VEHICLE, A REENTRY VEHICLE AND THE SPACECRAFT, PAYLOAD, CREW OR SPACE FLIGHT
6 PARTICIPANT FROM A SUBORBITAL TRAJECTORY, EARTH ORBIT OR OUTER SPACE AND
7 INCLUDES ACTIVITIES INVOLVED IN THE RECOVERY OF A LAUNCH VEHICLE, REENTRY
8 VEHICLE OR SPACECRAFT.

9 5. "SPACECRAFT" MEANS ANY OBJECT AND ITS COMPONENTS THAT ARE DESIGNED
10 TO BE LAUNCHED FOR OPERATIONS IN A SUBORBITAL TRAJECTORY, IN EARTH ORBIT OR
11 IN OUTER SPACE AND INCLUDES A SATELLITE, A PAYLOAD, AN OBJECT CARRYING CREW
12 OR A SPACE FLIGHT PARTICIPANT AND ANY SUBCOMPONENTS OF THE LAUNCH VEHICLE OR
13 REENTRY VEHICLE THAT ARE SPECIFICALLY DESIGNED OR ADAPTED FOR THAT OBJECT.

14 6. "SPACE FLIGHT ACTIVITIES" MEANS ACTIVITIES AND TRAINING IN ANY
15 PHASE OF PREPARING FOR AND UNDERTAKING SPACE FLIGHT, INCLUDING:

16 (a) THE RESEARCH, DEVELOPMENT, TESTING OR MANUFACTURING OF A LAUNCH
17 VEHICLE, REENTRY VEHICLE OR SPACECRAFT.

18 (b) THE PREPARATION OF A LAUNCH VEHICLE, REENTRY VEHICLE, PAYLOAD,
19 SPACECRAFT, CREW OR SPACE FLIGHT PARTICIPANT FOR LAUNCH, SPACE FLIGHT AND
20 REENTRY.

21 (c) THE CONDUCT OF THE LAUNCH.

22 (d) CONDUCT OCCURRING BETWEEN THE LAUNCH AND REENTRY.

23 (e) THE PREPARATION OF A LAUNCH VEHICLE, REENTRY VEHICLE, PAYLOAD,
24 SPACECRAFT, CREW OR SPACE FLIGHT PARTICIPANT FOR REENTRY.

25 (f) THE CONDUCT OF REENTRY AND DESCENT.

26 (g) THE CONDUCT OF THE LANDING.

27 (h) THE CONDUCT OF POSTLANDING RECOVERY OF A LAUNCH VEHICLE, REENTRY
28 VEHICLE, PAYLOAD, SPACECRAFT, CREW OR SPACE FLIGHT PARTICIPANT.

29 7. "SPACE FLIGHT ENTITY" MEANS A PERSON THAT CONDUCTS SPACE FLIGHT
30 ACTIVITIES AND THAT HAS OBTAINED THE APPROPRIATE FEDERAL AVIATION
31 ADMINISTRATION LICENSE OR OTHER AUTHORIZATION, INCLUDING SAFETY APPROVAL AND
32 A PAYLOAD DETERMINATION, AND INCLUDES ANY OF THE FOLLOWING:

33 (a) A MANUFACTURER OR SUPPLIER OF COMPONENTS, SERVICES, SPACECRAFTS,
34 LAUNCH VEHICLES OR REENTRY VEHICLES USED BY THE ENTITY AND REVIEWED BY THE
35 FEDERAL AVIATION ADMINISTRATION AS PART OF ISSUING THE LICENSE OR OTHER
36 AUTHORIZATION.

37 (b) AN EMPLOYEE, OFFICER, DIRECTOR, OWNER, STOCKHOLDER, MEMBER,
38 MANAGER, ADVISOR OR PARTNER OF THE ENTITY, MANUFACTURER OR SUPPLIER.

39 (c) AN OWNER OR LESSOR OF REAL PROPERTY WHERE SPACE FLIGHT ACTIVITIES
40 ARE CONDUCTED, INCLUDING A MUNICIPALITY, COUNTY OR POLITICAL SUBDIVISION OF
41 THIS STATE WITH A CONTRACTUAL RELATIONSHIP WITH A SPACE FLIGHT ENTITY.

42 (d) A MUNICIPALITY, COUNTY, ECONOMIC DEVELOPMENT ORGANIZATION OR OTHER
43 POLITICAL SUBDIVISION IN THE TERRITORY OR EXTRATERRITORIAL JURISDICTION IN
44 WHICH SPACE FLIGHT ACTIVITIES ARE CONDUCTED.

1 8. "SPACE FLIGHT PARTICIPANT" MEANS AN INDIVIDUAL WHO IS NOT CREW AND
2 WHO PARTICIPATES IN SPACE FLIGHT ACTIVITIES.

3 9. "SPACE FLIGHT PARTICIPANT'S INJURY" MEANS AN INJURY SUSTAINED BY A
4 SPACE FLIGHT PARTICIPANT AND INCLUDES BODILY INJURY, EMOTIONAL DISTRESS,
5 DEATH, DISABILITY, PROPERTY DAMAGE OR ANY OTHER LOSS ARISING FROM THE
6 INDIVIDUAL'S PARTICIPATION IN SPACE FLIGHT ACTIVITIES.