

AMENDED IN SENATE JANUARY 6, 2014

SENATE BILL

No. 415

Introduced by Senator Knight
(Coauthor: Senator Fuller)
(Coauthors: Assembly Members Fox and Beth Gaines)

February 20, 2013

An act to amend Section 2210 of, *and to add Section 2213 to*, the Civil Code, relating to civil liability.

LEGISLATIVE COUNSEL'S DIGEST

SB 415, as amended, Knight. Space flight liability.

The Space Flight Liability and Immunity Act requires a space flight entity, as defined, to collect a signed warning statement from each participant in space flight activities. The warning statement is required to inform the participant that there is limited civil liability for bodily injury sustained as a result of the inherent risks associated with space flight activities. The act limits the liability of a space flight entity that complies with these provisions.

This bill would require a space flight entity to enter into a reciprocal waiver of claims with its contractors, subcontractors, customers, participants, and contractors and subcontractors of the customers or participants, as specified.

~~This bill would include a manufacturer or supplier of components, services, or vehicles that have been reviewed by the United States Federal Aviation Administration as part of issuing a license, permit, or other authorization pursuant to specified provisions of federal law relating to commercial space launch activities as a space flight entity with limited liability for any participant injury.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2210 of the Civil Code is amended to
2 read:

3 2210. For purposes of this article:

4 (a) “Participant” means a space flight participant as defined in
5 Section 50902 of Title 51 of the United States Code.

6 (b) “Participant injury” means a bodily injury, including death,
7 emotional injury, or property damage, sustained by the participant.

8 (c) “Reciprocal waiver of claims” means an agreement between
9 parties under which each party waives and releases claims against
10 all the other parties to the waiver and agrees to assume financial
11 responsibility for those claims.

12 (e)

13 (d) “Space flight activities” means launch services or reentry
14 services as defined in Section 50902 of Title 51 of the United
15 States Code.

16 (e)

17 (e) “Space flight entity” means any public or private entity that
18 holds, either directly or through a corporate subsidiary or parent,
19 a license, permit, or other authorization issued by the United States
20 Federal Aviation Administration pursuant to Chapter 509
21 (commencing with Section 50901) of Subtitle V of Title 51 of the
22 United States Code, including, but not limited to, a safety approval
23 and a payload determination. “Space flight entity” shall also include
24 ~~a manufacturer or supplier of components, services, or vehicles~~
25 ~~that have been reviewed by the United States Federal Aviation~~
26 ~~Administration as part of issuing a license, permit, or other~~
27 ~~authorization pursuant to Chapter 509 (commencing with Section~~
28 ~~50901) of Subtitle V of Title 51 of the United States Code.~~

29 SEC. 2. Section 2213 is added to the Civil Code, to read:

30 2213. (a) A space flight entity shall enter into a reciprocal
31 waiver of claims with its contractors, subcontractors, customers,
32 participants, and contractors and subcontractors of the customers
33 or participants, involved in space flight activities.

34 (b) Under a reciprocal waiver of claims, each party to the
35 waiver shall agree to be responsible for property damage or loss

1 *it sustains, or for personal injury to, death of, or property damage*
2 *or loss sustained by its employees resulting from space flight*
3 *activities.*
4 *(c) Nothing in this section shall prevent or limit the liability of*
5 *a space flight entity for actions described in subdivision (c) of*
6 *Section 2212.*

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