AN ACT

Relating to motor vehicle safety belt violations.

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

THE ACT FOLLOWS ON PAGE 1

Enrolled SB 87
AN ACT

Relating to motor vehicle safety belt violations.

* Section 1. AS 28.05.095(a) is amended to read:

(a) Except as provided in (c) of this section, a person

(1) 16 years of age or older may not occupy a motor vehicle while being driven on a highway unless restrained by a safety belt; and

(2) may not drive [OPERATE] a motor vehicle on a highway unless restrained by a safety belt.

* Sec. 2. AS 28.05.095(c) is amended to read:

(c) Subsections (a) and (b) of this section do not apply to

(1) passengers in a school bus, unless the school bus is required to be equipped with seat belts by the United States Department of Transportation, or an emergency vehicle;

(2) a vehicle operator acting in the course of employment delivering mail or newspapers from inside the vehicle to roadside mail or newspaper boxes;
(3) a person or class of persons exempted by regulation under AS 28.05.096; [OR]

(4) a person required to be restrained by safety belts under (a) or (b) of this section if the motor vehicle is not equipped with safety belts; or

(5) operators or passengers of motorcycles, motor-driven cycles, off-highway vehicles, electric personal mobility vehicles, snowmobiles, and similar vehicles not designed to be operated on a highway.

* Sec. 3. AS 28.05.095(e) is amended to read:

    (e) Notwithstanding any other provision of law, a peace officer may not stop or detain a motor vehicle to determine compliance with (a) of this section, or issue a citation for a violation of (a) of this section, unless the peace officer has probable cause to stop or detain the motor vehicle [OTHER THAN FOR A VIOLATION OF (a) OF THIS SECTION].

* Sec. 4. AS 28.05.095 is amended by adding a new subsection to read:

    (f) In a prosecution under (a) of this section, the prosecution must prove that the peace officer stopping or detaining the vehicle personally observed the violation of (a) of this section before stopping or detaining the vehicle or otherwise had probable cause to stop or detain the vehicle.