



LAWS OF ALASKA

2006

Source
HCS SB 87(JUD)

Chapter No.

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

AN ACT

1 Relating to motor vehicle safety belt violations.

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

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

5 (1) 16 years of age or older may not occupy a motor vehicle while
6 being driven on a highway unless restrained by a safety belt; and

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

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

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

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

14 (2) a vehicle operator acting in the course of employment delivering
15 mail or newspapers from inside the vehicle to roadside mail or newspaper boxes;

1 (3) a person or class of persons exempted by regulation under
2 AS 28.05.096; [OR]

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

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

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

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

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

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