



LAWS OF ALASKA

1990

Chapter No.

98

Source

CSSB 59(Trsp) am

AN ACT

Relating to mandatory use of safety devices in motor vehicles.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 14, 1990
Actual Effective Date: September 12, 1990

AN ACT

Relating to mandatory use of safety devices in motor vehicles.

* Section 1. AS 28.05.095 is repealed and reenacted to read:

Sec. 28.05.095. USE OF SAFETY DEVICES REQUIRED. (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 unless restrained by a safety belt; and

(2) may not operate a motor vehicle unless restrained by a safety belt.

(b) Except as provided in (c) of this section, a driver may not transport a child under the age of 16 in a motor vehicle unless the driver has provided and properly secured each child as described in this subsection. If the child is less than four years of age, the child shall be properly secured in a child safety device meeting the standards of the United States Department of Transportation for a child safety device for infants. If the child is four but not yet 16 years of age, the child shall be properly secured in a child safety device approved for a child of that age and size by the United States Department of Transportation or in a safety belt, whichever is appropriate for the particular child.

(c) Subsections (a) and (b) 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

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1 Department of Transportation or an emergency vehicle;

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

5 (3) a person or class of persons exempted by regulation
6 under AS 28.05.096; or

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

10 (d) A person may not remove a safety belt from a vehicle solely
11 to be exempted under (c)(4) of this section.

12 (e) Notwithstanding any other provision of law, a peace officer
13 may not stop or detain a motor vehicle to determine compliance with
14 (a) of this section, or issue a citation for a violation of (a) of
15 this section, unless the peace officer has probable cause to stop or
16 detain the motor vehicle other than for a violation of (a) of this
17 section.

18 * Sec. 2. AS 28.05.096(a) is amended to read:

19 (a) The commissioner of public safety may adopt regulations to
20 exempt a person [CHILD] or a class of persons [CHILDREN] from the
21 requirements of AS 28.05.095 if the commissioner determines that the
22 use of a safety belt or child safety device is impractical because of
23 physical or medical conditions of the person or class of persons
24 [CHILD].

25 * Sec. 3. AS 28.05.099 is amended to read:

26 Sec. 28.05.099. PENALTY. (a) A person convicted of a violation
27 of AS 28.05.095(a) or (d) [(c)] is guilty of an infraction and may be
28 fined up to \$15 or the court may waive the fine if the person convicted
29 donates \$15 to the Emergency Medical Services entity providing
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services in the area in which the violation occurred [ASSESSED DEMERIT POINTS AS DETERMINED BY REGULATIONS OF THE DEPARTMENT, NOTWITHSTANDING THE PROVISIONS OF AS 28.15.231(b)].

(b) A person convicted of a violation of AS 28.05.095(b) is guilty of an infraction, and may be fined up to \$50. The person may also be assessed demerit points as determined by regulations of the department, notwithstanding the provisions of AS 28.15.231(b). A person who violates AS 28.05.095(b) [AS 28.05.095(a)] by failing to provide a child safety device or safety belt [SEATBELT] may provide a peace officer, including a village safety officer, proof of purchase or acquisition, and installation, of an approved child safety device or safety belt [SEATBELT]. If the proof is provided within 30 days after the issuance of a citation for the infraction, the court shall dismiss the citation and no points shall be assessed under this subsection [(a) OF THIS SECTION] unless the person has

(1) been convicted previously for violating AS 28.05.095 [THAT SECTION] by failing to provide a child safety device or safety belt [SEATBELT];

(2) been cited for failure to provide a child safety device or safety belt [SEATBELT] and has forfeited the bail required by the citation; or

(3) provided [THE] proof under [REQUIRED BY] this subsection on a prior occasion.

* Sec. 4. AS 28.05.151 is amended by adding a new subsection to read:

(b) The supreme court shall establish a scheduled amount of bail allowing disposition of a citation for a violation of AS 28.05.095 without court appearance.