

HOUSE BILL NO. 282

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE KEMPLER

Introduced: 1/12/00

Referred: Transportation, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring a person under 16 years of age to wear a helmet when**
2 **operating or riding on an off-road vehicle; and providing for an effective date."**

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new
5 section to read:

6 **SHORT TITLE.** This Act may be known as the "Child Helmet Act for Off-Road
7 Vehicles and Snow Machines."

8 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section
9 to read:

10 **PURPOSE.** It is the purpose of this Act to reduce the incidence of death and disability
11 accidents related to off-road vehicle use by requiring that every person under 16 years of age
12 wear a protective helmet when operating or riding on an off-road vehicle.

13 * **Sec. 3.** AS 28.05 is amended by adding a new section to read:

14 **Sec. 28.05.102. Required use of helmet with off-road vehicle.** (a) A person

1 who is under 16 years of age may not operate or ride on an off-road vehicle unless the
2 person wears a helmet that meets the helmet standards of the United States Department
3 of Transportation or other protective headgear standards required by the department.

4 (b) A parent, guardian, or other person having legal custody of a person under
5 16 years of age may not knowingly, negligently, or recklessly authorize or permit the
6 person to operate or ride on an off-road vehicle in violation of (a) of this section.

7 (c) A municipality may adopt helmet standards as strict or more stringent than
8 those described in this section.

9 (d) A person who violates (a) or (b) of this section is guilty of a violation and
10 is subject to the following penalties:

11 (1) for a first offense, a warning or a fine not to exceed \$25; a court
12 may waive a fine for a first violation of (a) of this section upon presentation of
13 evidence that the violator has purchased or procured a helmet that meets the
14 requirements of (a) of this section and demonstrates the intention of using the helmet
15 as required by law;

16 (2) for a second or subsequent offense, a fine not to exceed \$50.

17 (e) In this section, an "off-road vehicle" means a vehicle that is not required
18 to be registered under AS 28.10.011 and includes a snow machine, a four-wheeler, an
19 all-terrain vehicle or a similar motorized vehicle, and a sled or other device towed by
20 or in any way attached to an off-road vehicle.

21 * **Sec. 4.** This Act takes effect July 1, 2000.