

(LIMITED RUN FOR ALL ADDITIONAL SPONSORSHIPS)

**HOUSE CS FOR SENATE BILL NO. 87(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/26/05

Referred: Rules

Sponsor(s): SENATORS BUNDE, Wilken, Seekins, Wagoner, Cowdery

REPRESENTATIVE McGuire

**A BILL****FOR AN ACT ENTITLED**1 **"An Act relating to motor vehicle safety belt violations."**2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**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; and7 (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 to11 (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.