

Offered: 5/3/83
Referred: Judiciary and Finance

Original sponsors: Clocksin, Szymanski
and Koponen

1 IN THE HOUSE

BY THE HEALTH, EDUCATION,
AND SOCIAL SERVICES COMMITTEE

2

CS FOR HOUSE BILL NO. 262 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to child safety devices for motor
7 vehicles; providing for a child safety device loan
8 program; and providing for an effective date."

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

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* Section 1. AS 28.05 is amended by adding new sections to read:

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Sec. 28.05.095. CHILD SAFETY DEVICES. (a) Except as provided

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in (b) of this section, a driver may not transport a child in a motor
13 vehicle unless the driver has provided and properly secured each
14 child

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(1) less than four years of age in a child safety device
16 meeting the standards of the United States Department of Transporta-
17 tion for a child safety device for infants;

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(2) between four and six years of age in a child safety
19 device approved for a child of that age and size by the United States
20 Department of Transportation, or in a seatbelt, as is appropriate for
21 the particular child.

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(b) This section does not apply to

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(1) a mass transit vehicle, a school bus, an emergency
24 vehicle, or a taxicab or other commercial vehicle;

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(2) a motor vehicle designed for and used primarily off the
26 highway;

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(3) a child or class of children exempted by regulation
28 under AS 28.05.096;

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(4) a child riding as a passenger in a motor vehicle in

1 which all seating positions equipped with seat belts or child safety
2 devices are occupied by other passengers using the seatbelts or
3 devices; or

4 (5) a child required to be restrained by seatbelts under
5 (a) of this section if the motor vehicle is not equipped with seat-
6 belts.

7 (c) A person may not remove a seatbelt from a vehicle solely to
8 be exempted under (b)(4) or (5) of this section.

9 Sec. 28.05.096. EXEMPTIONS; ALTERNATIVE SAFETY DEVICES. (a)
10 The commissioner of public safety may adopt regulations to exempt a
11 child or a class of children from the requirements of AS 28.05.095 if
12 the commissioner determines that the use of a child safety device is
13 impractical because of physical or medical conditions of the child.

14 (b) The commissioner of public safety may specify alternative
15 means of protection for children exempted under this section.

16 Sec. 28.05.097. EVIDENCE OF NEGLIGENCE. Evidence of the
17 conviction of a person for a violation of AS 28.05.095(a) or evidence
18 of the failure to use a child safety device or seatbelt as required by
19 AS 28.05.095(a) may be admitted in a civil action as evidence of
20 negligence.

21 Sec. 28.05.098. CHILD SAFETY DEVICE LOAN PROGRAM. (a) There is
22 established a child safety device loan program in the Department of
23 Public Safety, highway safety planning agency.

24 (b) The director of the highway safety planning agency shall

25 (1) provide to every hospital and birthing center in the
26 state, subject to the availability of funds, child safety devices to
27 be loaned to the public at nominal fees;

28 (2) disseminate materials, printed advertisements, and
29 radio and television messages

1 (A) to educate the public about the risks of injury to
2 and death of unrestrained infants and children in motor vehicles;

3 (B) to explain to the public the provisions of AS 28.-
4 05.095.

5 (c) A peace officer who stops a driver for an alleged violation
6 of AS 28.05.095 shall advise the driver of the loan program.

7 Sec. 28.05.099. SALE OF CHILD SAFETY DEVICES. A person may not
8 sell, offer for sale, or install in any motor vehicle a child safety
9 device not conforming to all applicable federal standards for the
10 device on the date of the sale or installation.

11 Sec. 28.05.100. PENALTY. (a) A person convicted of a violation
12 of AS 28.05.095(a) or (c) is guilty of an infraction and may be
13 assessed demerit points as determined by regulations of the depart-
14 ment, notwithstanding the provisions of AS 28.15.231(b).

15 (b) A person who violates AS 28.05.095(a) by failing to provide
16 a child safety device or seatbelt may provide a peace officer, includ-
17 ing a village safety officer, proof of purchase or acquisition, and
18 installation, of an approved child safety device or seatbelt. If the
19 proof is provided within 30 days after the issuance of a citation for
20 the infraction, the court shall dismiss the citation and no points
21 shall be assessed under (a) of this section unless the person has

22 (1) been convicted previously for violating that section by
23 failing to provide a child safety device or seatbelt;

24 (2) been cited for failure to provide a child safety device
25 or seatbelt and has forfeited the bail required by the citation; or

26 (3) provided the proof required by this subsection on a
27 prior occasion.

28 * Sec. 2. This Act takes effect one year after enactment.