

Introduced: 1/9/84  
Referred: Judiciary and Finance

BY CATO, CLOCKSIN AND  
AND SZYMANSKI

1 IN THE HOUSE

2 HOUSE BILL NO. 464

3

4 IN THE LEGISLATURE OF THE STATE OF ALASKA

5

6

7 THIRTEENTH LEGISLATURE - SECOND SESSION

8

9 A BILL

10 For an Act entitled: "An Act relating to the use of child safety devices  
11 in motor vehicles; and providing for an effective  
12 date."  
13

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

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

16 Sec. 28.05.095. CHILD SAFETY DEVICES. (a) Except as provided  
17 in (b) of this section, a driver may not transport a child under the  
18 age of seven in a motor vehicle unless the driver has provided and  
19 properly secured each child if

20 (1) in a front seat and less than four years of age or  
21 weighing less than 40 pounds, in a child safety device meeting the  
22 standards of the United States Department of Transportation for a  
23 child safety device for infants;

24 (2) in a seat behind the front seat and less than four  
25 years of age or weighing less than 40 pounds, in a child safety device  
26 under (1) of this subsection or in a seatbelt;

27 (3) between four and six years of age or weighing more than  
28 40 pounds, in a child safety device approved for a child of that age  
29 and size by the United States Department of Transportation, or in a  
30 seatbelt, as is appropriate for the particular child.

31 (b) This section does not apply to

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

34 (2) a motor vehicle designed for and used primarily off the

1 highway;

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

4 (4) a child riding as a passenger in a motor vehicle in  
5 which all seating positions equipped with seatbelts or child safety  
6 devices are occupied by other passengers using the seatbelts or de-  
7 vices; or

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

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

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

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

20 Sec. 28.05.097. PENALTY. (a) A person convicted of a violation  
21 of AS 28.05.095(a) or (c) is guilty of an infraction and may be as-  
22 sessed demerit points as determined by regulations of the department,  
23 notwithstanding the provisions of AS 28.15.231(b).

24 (b) A person who violates AS 28.05.095(a) by failing to provide  
25 a child safety device or seatbelt may provide a peace officer, includ-  
26 ing a village safety officer, proof of purchase or acquisition, and  
27 installation, of an approved child safety device or seatbelt. If the  
28 proof is provided within 30 days after the issuance of a citation for  
29 the infraction, the court shall dismiss the citation and no points

1 shall be assessed under (a) of this section unless the person has  
2 (1) been convicted previously for violating that section by  
3 failing to provide a child safety device or seatbelt;  
4 (2) been cited for failure to provide a child safety device  
5 or seatbelt and has forfeited the bail required by the citation; or  
6 (3) provided the proof required by this subsection on a  
7 prior occasion.  
8 \* Sec. 2. This Act takes effect one year after enactment.