

Offered: 4/22/83
Referred: Judiciary

Original sponsors: V.Fischer, Moss,
Josephson, et al

1 IN THE SENATE BY THE TRANSPORTATION COMMITTEE
2 CS FOR SENATE BILL NO. 163 (Transportation)
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 the use of child safety devices
7 in motor vehicles; and providing for an effective
8 date."

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

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

11 Sec. 28.05.095. CHILD SAFETY DEVICES. (a) Except as provided
12 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

15 (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;

18 (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.

22 (b) This section does not apply to

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

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

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

29 (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. PENALTY. (a) A person convicted of a violation
17 of AS 28.05.095(a) or (c) is guilty of an infraction and may be
18 assessed demerit points as determined by regulations of the depart-
19 ment, notwithstanding the provisions of AS 28.15.231(b).

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

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

29 (2) been cited for failure to provide a child safety device

1 or seatbelt and has forfeited the bail required by the citation; or
2 (3) provided the proof required by this subsection on a
3 prior occasion.

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