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1 IN THE SENATE

BY THE RULES COMMITTEE

2

CS FOR SENATE BILL NO. 163 (Rules)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND 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 under the  
13 age of seven in a motor vehicle unless the driver has provided and  
14 properly secured each child if

15 (1) in a front seat and less than four years of age in a  
16 child safety device meeting the standards of the United States Depart-  
17 ment of Transportation for a child safety device for infants;

18 (2) in a seat behind the front seat and less than four  
19 years of age, in a child safety device under (1) of this subsection or  
20 in a seatbelt;

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

25 (b) This section does not apply to

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

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

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

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

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

10 (6) a motor vehicle exempt under AS 28.10.011(11).

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.