

Offered: 5/24/84
Referred: Finance

Original sponsors: V.Fischer, Moss,
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1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 163 (Judiciary)
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 as described in this subsection. If the
15 child is less than four years of age, the child shall be properly
16 secured in a child safety device meeting the standards of the United
17 States Department of Transportation for a child safety device for
18 infants. If the child is between four and six years of age, the child
19 shall be properly secured in a child safety device approved for a
20 child of that age and size by the United States Department of Trans-
21 portation or in a seatbelt, whichever is appropriate for the particu-
22 lar child.

23 (b) Subsection (a) does not apply to

24 (1) a school bus or an emergency vehicle;

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

27 (3) a child required to be restrained by seatbelts under
28 (a) of this section if the motor vehicle is not equipped with seat-
29 belts; or

1 (4) a motor vehicle exempt under AS 28.10.011(11).

2 (c) A person may not remove a seatbelt from a vehicle solely to
3 be exempted under (b)(3) of this section.

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

9 (b) The commissioner of public safety shall specify alternative
10 means of protection for children exempted under this section.

11 Sec. 28.05.097. CHILD SAFETY DEVICE LOAN PROGRAM. (a) There is
12 established a child safety device loan program in the Department of
13 Public Safety, highway safety planning agency.

14 (b) The director of the highway safety planning agency shall
15 design the child safety device loan program to work in conjunction
16 with private and federal programs operating in the state and shall

17 (1) provide to every hospital and birthing center in the
18 state, subject to the availability of funds, child safety devices for
19 infants and children to be loaned to the public at nominal fees;

20 (2) disseminate materials, printed advertisements, and
21 radio and television messages to educate the public about the risks of
22 injury to and death of unrestrained infants and children in motor
23 vehicles and to explain to the public the provisions of AS 28.05.095.

24 (c) A peace officer who stops a driver for an alleged violation
25 of AS 28.05.095 shall inform the driver about the loan program.

26 Sec. 28.05.098. SALE OF CHILD SAFETY DEVICES. A person may not
27 sell, offer for sale, or install in any motor vehicle a child safety
28 device that does not conform to all applicable federal standards for
29 the device on the date of the sale, offering, or installation.

1 Sec. 28.05.099. PENALTY. (a) A person convicted of a violation
2 of AS 28.05.095(a) or (c) is guilty of an infraction and may be as-
3 sessed demerit points as determined by regulations of the department,
4 notwithstanding the provisions of AS 28.15.231(b).

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

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

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

16 (3) provided the proof required by this subsection on a
17 prior occasion.

18 * Sec. 2. AS 28.35.024 is amended by adding a new subsection to read:

19 (e) A person who rents motor vehicles to others shall provide
20 child safety devices in sufficient quantity that all persons to whom
21 the vehicles are to be rented can comply with the requirements of
22 AS 28.05.095.

23 * Sec. 3. This Act takes effect one year after enactment.