

Offered: 5/2/85
Referred: Rules

Original sponsor: M.M.Miller

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 224 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to mandatory use of safety devices."

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

8 * Section 1. AS 28.05.095 is repealed and reenacted to read:

9 Sec. 28.05.095. USE OF SAFETY DEVICES REQUIRED. (a) Except as
10 provided in (c) of this section, a person may not occupy a motor
11 vehicle while in operation unless restrained by a safety belt.

12 (b) Except as provided in (c) of this section, a driver may not
13 transport a child under the age of seven in a motor vehicle unless the
14 driver has provided and properly secured each child as described in
15 this subsection. If the child is less than four years of age, the
16 child shall be properly secured in a child safety device meeting the
17 standards of the United States Department of Transportation for a
18 child safety device for infants. If the child is between four and six
19 years of age, the child shall be properly secured in a child safety
20 device approved for a child of that age and size by the United States
21 Department of Transportation or in a seatbelt, whichever is appropri-
22 ate for the particular child.

23 (c) Subsections (a) and (b) do not apply to

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

25 (2) a vehicle operator acting in the course of employment
26 delivering mail or newspapers from inside the vehicle to roadside mail
27 or newspaper boxes;

28 (3) a person or class of persons exempted by regulation
29 under AS 28.05.096;

1 (4) a person required to be restrained by seatbelts under
2 (a) or (b) of this section if the motor vehicle is not equipped with
3 seatbelts; or

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

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

7 (e) Failure to comply with the requirements of this section may
8 not

9 (1) be considered evidence of negligence;

10 (2) limit the liability of an insurer; or

11 (3) diminish a recovery for damages that arises out of the
12 ownership, maintenance, or operation of a motor vehicle.

13 * Sec. 2. AS 28.05.096(a) is amended to read:

14 (a) The commissioner of public safety may adopt regulations to
15 exempt a person [CHILD] or a class of persons [CHILDREN] from the
16 requirements of AS 28.05.095 if the commissioner determines that the
17 use of a [CHILD] safety device is impractical because of physical or
18 medical conditions of the person or class of persons [CHILD].

19 * Sec. 3. AS 28.05.099 is amended to read:

20 Sec. 28.05.099. PENALTY. (a) A person convicted of a violation
21 of AS 28.05.095(a), (b), or (d) [(c)] is guilty of an infraction and
22 may be fined up to \$15 and assessed demerit points as determined by
23 regulations of the department, notwithstanding the provisions of
24 AS 28.15.231(b).

25 (b) A person who violates AS 28.05.095(b) [AS 28.05.095(a)] by
26 failing to provide a child safety device or seatbelt may provide a
27 peace officer, including a village safety officer, proof of purchase
28 or acquisition, and installation, of an approved child safety device
29 or seatbelt. If the proof is provided within 30 days after the

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issuance of a citation for the infraction, the court shall dismiss the citation and no points shall be assessed under (a) of this section unless the person has

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

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

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