

Original sponsors: Cotten, Ulmer,  
Koponen, et al.

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 167 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH 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 AS 28.05.095 is repealed and reenacted to read: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)(4) of this section.

7 (e) Notwithstanding any other provision of law, a peace officer  
8 may not stop or detain a person to determine compliance with (a) or  
9 (b) of this section, or issue a citation for a violation of (a) or (b)  
10 of this section, unless the peace officer has probable cause to stop  
11 or detain the person other than for a violation of (a) or (b) of this  
12 section.

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 finned up to \$15. In addition to the fine established under  
23 this section, a person convicted of a violation of AS 28.05.095(b) may  
24 be assessed demerit points as determined by regulations of the depart-  
25 ment, notwithstanding the provisions of AS 28.15.231(b).

26 (b) A person who violates AS 28.05.095(b) [AS 28.05.095(a)] by  
27 failing to provide a child safety device or seatbelt may provide a  
28 peace officer, including a village safety officer, proof of purchase  
29 or acquisition, and installation, of an approved child safety device

1 or seatbelt. If the proof is provided within 30 days after the issu-  
2 ance of a citation for the infraction, the court shall dismiss the  
3 citation and no points shall be assessed under (a) of this section  
4 unless the person has

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

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

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