

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

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE
2 CS FOR HOUSE BILL NO. 167 (Judiciary)
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 in motor vehicles."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 28.05.095 is repealed and reenacted to read:
10 Sec. 28.05.095. USE OF SAFETY DEVICES REQUIRED. (a) Except as
11 provided in (c) of this section
12 (1) a person 16 years of age or older may not occupy a
13 motor vehicle while in operation unless restrained by a safety belt;
14 and
15 (2) a person may not operate a motor vehicle unless re-
16 strained by a safety belt.
17 (b) Except as provided in (c) of this section, a driver may not
18 transport a child under the age of 16 in a motor vehicle unless the
19 driver has provided and properly secured each child as described in
20 this subsection. If the child is less than four years of age, the
21 child shall be properly secured in a child safety device meeting the
22 standards of the United States Department of Transportation for a
23 child safety device for infants. If the child is four but not yet 16
24 years of age, the child shall be properly secured in a child safety
25 device approved for a child of that age and size by the United States
26 Department of Transportation or in a safety belt, whichever is appro-
27 priate for the particular child.
28 (c) Subsections (a) and (b) do not apply to
29 (1) passengers in an emergency vehicle;

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

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

6 (4) a person required to be restrained by safety belts
7 under (a) or (b) of this section if the motor vehicle is not equipped
8 with safety belts.

9 (d) A person may not remove a safety belt from a vehicle solely
10 to be exempted under (c)(4) of this section.

11 (e) Notwithstanding any other provision of law, a peace officer
12 may not stop or detain a motor vehicle to determine compliance with
13 (a) of this section, or issue a citation for a violation of (a) of
14 this section, unless the peace officer has probable cause to stop or
15 detain the motor vehicle other than for a violation of (a) of this
16 section.

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

18 (a) The commissioner of public safety may adopt regulations to
19 exempt a person [CHILD] or a class of persons [CHILDREN] from the
20 requirements of AS 28.05.095 if the commissioner determines that the
21 use of a safety belt or child safety device is impractical because of
22 physical or medical conditions of the person or class of persons
23 [CHILD].

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

25 Sec. 28.05.099. PENALTY. (a) A person convicted of a violation
26 of AS 28.05.095(a) or (d) [(c)] is guilty of an infraction and may be
27 fined up to \$15 [ASSESSED DEMERIT POINTS AS DETERMINED BY REGULATIONS
28 OF THE DEPARTMENT, NOTWITHSTANDING THE PROVISIONS OF AS 28.15.231(b)].

29 (b) A person convicted of a violation of AS 28.05.095(b) is

1 guilty of an infraction and may be assessed demerit points as deter-
2 mined by regulations of the department, notwithstanding the provisions
3 of AS 28.15.231(b). A person who violates AS 28.05.095(b) [AS 28.05.-
4 095(a)] by failing to provide a child safety device or safety belt
5 [SEATBELT] may provide a peace officer, including a village safety
6 officer, proof of purchase or acquisition, and installation, of an
7 approved child safety device or safety belt [SEATBELT]. If the proof
8 is provided within 30 days after the issuance of a citation for the
9 infraction, the court shall dismiss the citation and no points shall
10 be assessed under this subsection [(a) OF THIS SECTION] unless the
11 person has

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

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

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