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1 IN THE HOUSE

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2

HOUSE BILL NO. 105

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

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

7

in motor vehicles."

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

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 AS 28.05.095 is repealed and reenacted to read:

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Sec. 28.05.095. USE OF SAFETY DEVICES REQUIRED. (a) Except as

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provided in (c) of this section a person

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(1) 16 years of age or older may not occupy a motor vehicle

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while being driven unless restrained by a safety belt; and

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(2) may not operate a motor vehicle unless restrained by a

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safety belt.

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(b) Except as provided in (c) of this section, a driver may not

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transport a child under the age of 16 in a motor vehicle unless the

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driver has provided and properly secured each child as described in

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this subsection. If the child is less than four years of age, the

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child shall be properly secured in a child safety device meeting the

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standards of the United States Department of Transportation for a

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child safety device for infants. If the child is four but not yet 16

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years of age, the child shall be properly secured in a child safety

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device approved for a child of that age and size by the United States

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Department of Transportation or in a safety belt, whichever is appro-

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priate for the particular child.

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

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(1) passengers in an emergency vehicle;

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(2) a vehicle operator acting in the course of employment

1 delivering mail or newspapers from inside the vehicle to roadside mail
2 or newspaper boxes;

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

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

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

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

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

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

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

24 Sec. 28.05.099. PENALTY. (a) A person convicted of a violation
25 of AS 28.05.095(a) or (d) [(c)] is guilty of an infraction and may be
26 fined up to \$15 or the court may waive the fine if the person convict-
27 ed donates \$15 to the Emergency Medical Services entity providing
28 services in the area in which the violation occurred [ASSESSED DEMERIT
29 POINTS AS DETERMINED BY REGULATIONS OF THE DEPARTMENT, NOTWITHSTANDING

1 THE PROVISIONS OF AS 28.15.231(b)].

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

14 (1) been convicted previously for violating AS 28.05.095
15 [THAT SECTION] by failing to provide a child safety device or safety
16 belt [SEATBELT];

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

20 (3) provided [THE] proof under [REQUIRED BY] this sub-
21 section on a prior occasion.