

Offered: 2/17/89  
Referred: Rules

6-0602E

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

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 105 (Judiciary)  
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."  
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 AS 28.05.095 is repealed and reenacted to read:  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 a person  
12 (1) 16 years of age or older may not occupy a motor vehicle  
13 while being driven unless restrained by a safety belt; and  
14 (2) may not operate a motor vehicle unless restrained by a  
15 safety belt.  
16 (b) Except as provided in (c) of this section, a driver may not  
17 transport a child under the age of 16 in a motor vehicle unless the  
18 driver has properly secured each child as described in this subsec-  
19 tion. If the child is less than four years of age, the child shall be  
20 properly secured in a child safety device meeting the standards of the  
21 United States Department of Transportation for a child safety device  
22 for infants. If the child is four but not yet 16 years of age, the  
23 child shall be properly secured in a child safety device approved for  
24 a child of that age and size by the United States Department of Trans-  
25 portation or in a safety belt, whichever is appropriate for the par-  
26 ticular child.  
27 (c) Subsections (a) and (b) do not apply to  
28 (1) passengers in a school bus or an emergency vehicle;  
29 (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.