

Amended: 2/23/89

6-0602E

Offered: 2/17/89
Referred: Rules

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

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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CS FOR HOUSE BILL NO. 105 (Judiciary) am

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to mandatory use of safety devices
in motor vehicles; and motor vehicle bodily injury
liability insurance rates."

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

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* Section 1. AS 21.39 is amended by adding a new section to read:

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Sec. 21.39.035. AUTOMOBILE PREMIUM RATE REDUCTION. Notwith-

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standing AS 21.39.030, beginning one year after the effective date of

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this Act, an insurer providing motor vehicle liability insurance in

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the state shall reduce the premium rate charged within the state for

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motor vehicle bodily injury liability insurance by at least five

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percent to reflect the required use of safety belts and child safety

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devices under AS 28.05.095. The director may make adjustments to the

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premium rate reduction required under this section, if requested by an

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insurer and the insurer justifies the adjustments based on the use of

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safety belts or child safety devices under AS 28.05.095.

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* Sec. 2. AS 28.05.095 is repealed and reenacted to read: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

1 driver has properly secured each child as described in this subsec-
2 tion. If the child is less than four years of age, the child shall be
3 properly secured in a child safety device meeting the standards of the
4 United States Department of Transportation for a child safety device
5 for infants. If the child is four but not yet 16 years of age, the
6 child shall be properly secured in a child safety device approved for
7 a child of that age and size by the United States Department of Trans-
8 portation or in a safety belt, whichever is appropriate for the par-
9 ticular child.

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

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

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

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

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

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

22 (e) Notwithstanding any other provision of law, a peace officer
23 may not stop or detain a motor vehicle to determine compliance with
24 (a) of this section, or issue a citation for a violation of (a) of
25 this section, unless the peace officer has probable cause to stop or
26 detain the motor vehicle other than for a violation of (a) of this
27 section.

28 * Sec. 3. AS 28.05.096(a) is amended to read:

29 (a) The commissioner of public safety may adopt regulations to

1 exempt a person [CHILD] or a class of persons [CHILDREN] from the
2 requirements of AS 28.05.095 if the commissioner determines that the
3 use of a safety belt or child safety device is impractical because of
4 physical or medical conditions of the person or class of persons
5 [CHILD].

6 * Sec. 4. AS 28.05.099 is amended to read:

7 Sec. 28.05.099. PENALTY. (a) A person convicted of a violation
8 of AS 28.05.095(a) or (d) [(c)] is guilty of an infraction and may be
9 fined up to \$15 or the court may waive the fine if the person convict-
10 ed donates \$15 to the Emergency Medical Services entity providing
11 services in the area in which the violation occurred [ASSESSED DEMERIT
12 POINTS AS DETERMINED BY REGULATIONS OF THE DEPARTMENT, NOTWITHSTANDING
13 THE PROVISIONS OF AS 28.15.231(b)].

14 (b) A person convicted of a violation of AS 28.05.095(b) is
15 guilty of an infraction and may be assessed demerit points as deter-
16 mined by regulations of the department, notwithstanding the provisions
17 of AS 28.15.231(b). A person who violates AS 28.05.095(b) [AS 28.05.-
18 095(a)] by failing to provide a child safety device or safety belt
19 [SEATBELT] may provide a peace officer, including a village safety
20 officer, proof of purchase or acquisition, and installation, of an
21 approved child safety device or safety belt [SEATBELT]. If the proof
22 is provided within 30 days after the issuance of a citation for the
23 infraction, the court shall dismiss the citation and no points shall
24 be assessed under this subsection [(a) OF THIS SECTION] unless the
25 person has

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

29 (2) been cited for failure to provide a child safety device

1 or safety belt [SEATBELT] and has forfeited the bail required by the
2 citation; or

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

5 * Sec. 5. AS 28.05.151 is amended by adding a new subsection to read:

6 (b) The supreme court shall establish a scheduled amount of
7 bail, not to exceed fines prescribed by law, allowing disposition of a
8 citation for a violation of AS 28.05.095 without a court appearance.
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