

Offered: 3/15/89
Referred: Finance

6-0602J

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1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 105 (Transportation)
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; and motor vehicle bodily injury
8 liability insurance rates."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 21.39.030 is amended to read:
11 Sec. 21.39.030. MAKING OF RATES. (a) Rates shall be made under
12 [IN ACCORDANCE WITH] the following provisions:
13 (1) rates may [SHALL] not be excessive, inadequate, or
14 unfairly discriminatory;
15 (2) consideration shall be given to past and prospective
16 loss experience inside and outside this state, to the conflagration
17 and catastrophe hazards, to a reasonable margin for underwriting
18 profit and contingencies, to dividends, savings, or unabsorbed premium
19 deposits allowed or returned by insurers to their policyholders,
20 members, or subscribers, to past and prospective expenses both
21 countrywide and those specially applicable to this state, and to all
22 other relevant factors inside and outside this state;
23 (3) the systems of expense provisions included in the rates
24 for use by an insurer or group of insurers may differ from those of
25 other insurers or group of insurers to reflect the requirements of the
26 operating methods of the insurer or group of insurers with respect to
27 any kind of insurance, or with respect to a subdivision or combination
28 of insurance [THEREOF] for which [SUBDIVISION OR COMBINATION] separate
29 expense provisions are applicable;

1 (4) risks may be grouped by classifications for the estab-
2 lishment of rates and minimum premiums; classification rates may be
3 modified to produce rates for individual risks under [IN ACCORDANCE
4 WITH] rating plans that [WHICH] establish standards for measuring
5 variations in hazards or expense provisions, or both; the standards
6 may measure any differences among risks that can be demonstrated to
7 have a probable effect upon losses or expenses;

8 (5) in the case of fire insurance rates, consideration may
9 be given to the experience of the fire insurance business during a
10 period of not more than the most recent five-year period for which
11 experience is available;

12 (6) when there is an established program to inspect new and
13 existing dwellings and the program has been certified by the director
14 as likely to reduce the incidence of fires in inspected dwellings,
15 then in any rate plan used in this state, dwellings that [WHICH] have
16 been found by the inspection to meet the standards established by the
17 program shall have credits applied to the rate in amounts approved by
18 the director;

19 (7) consideration shall be given to the effects of the
20 required use of safety belts and child safety devices under AS 28.05.-
21 095, and the resulting experience must be reflected in motor vehicle
22 bodily injury liability insurance rates.

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

24 Sec. 28.05.095. USE OF SAFETY DEVICES REQUIRED. (a) Except as
25 provided in (c) of this section a person

26 (1) 16 years of age or older may not occupy a motor vehicle
27 while being driven unless restrained by a safety belt; and

28 (2) may not operate a motor vehicle unless restrained by a
29 safety belt.

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

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

- 13 (1) passengers in a school bus or an emergency vehicle;
14 (2) a vehicle operator acting in the course of employment
15 delivering mail or newspapers from inside the vehicle to roadside mail
16 or newspaper boxes;
17 (3) a person or class of persons exempted by regulation
18 under AS 28.05.096; or
19 (4) a person required to be restrained by safety belts
20 under (a) or (b) of this section if the motor vehicle is not equipped
21 with safety belts.

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

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

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

2 (a) The commissioner of public safety may adopt regulations to
3 exempt a person [CHILD] or a class of persons [CHILDREN] from the
4 requirements of AS 28.05.095 if the commissioner determines that the
5 use of a safety belt or child safety device is impractical because of
6 physical or medical conditions of the person or class of persons
7 [CHILD].

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

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

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

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

1 belt [SEATBELT];

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

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

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

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

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