

Offered: 5/2/89
Referred: Rules

6-0602D

Original sponsors: Cotten, Ulmer,
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1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 105 (Finance)
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 is amended by adding a new section to read:

11 Sec. 21.39.035. AUTOMOBILE PREMIUM RATE REDUCTION. Notwith-
12 standing AS 21.39.030, beginning one year after the effective date of
13 this Act, an insurer providing motor vehicle liability insurance in
14 the state shall reduce the premium rate charged within the state for
15 motor vehicle bodily injury liability insurance by at least five
16 percent to reflect the required use of safety belts and child safety
17 devices under AS 28.05.095. The director may make adjustments to the
18 premium rate reduction required under this section, if requested by an
19 insurer and the insurer justifies the adjustments based on the use of
20 safety belts or child safety devices under AS 28.05.095.

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 AS 28.05.095 is repealed and reenacted to read:

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

24 (1) 16 years of age or older may not occupy a motor vehicle
25 while being driven unless restrained by a safety belt; and

26 (2) may not operate a motor vehicle unless restrained by a
27 safety belt.

28 (b) Except as provided in (c) of this section, a driver may not
29 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, unless the school bus is
12 required to be equipped with seat belts by the United States Depart-
13 ment of Transportation;

14 (2) passengers in an emergency vehicle;

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

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

20 (5) a person required to be restrained by safety belts
21 under (a) or (b) of this section if the motor vehicle is not equipped
22 with safety belts; or

23 (6) a person driving a vehicle on a highway or vehicular
24 way not connected by land highway to

25 (A) the land-connected state highway system estab-
26 lished under AS 19.10.020, or

27 (B) a highway or vehicular way with an average daily
28 traffic volume greater than 499.

29 (d) A person may not remove a safety belt from a vehicle solely

1 to be exempted under (c)(5) of this section.

2 (e) Notwithstanding any other provision of law, a peace officer
3 may not stop or detain a motor vehicle to determine compliance with
4 (a) of this section, or issue a citation for a violation of (a) of
5 this section, unless the peace officer has probable cause to stop or
6 detain the motor vehicle other than for a violation of (a) of this
7 section.

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

9 (a) The commissioner of public safety may adopt regulations to
10 exempt a person [CHILD] or a class of persons [CHILDREN] from the
11 requirements of AS 28.05.095 if the commissioner determines that the
12 use of a safety belt or child safety device is impractical because of
13 physical or medical conditions of the person or class of persons
14 [CHILD].

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

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

23 (b) A person convicted of a violation of AS 28.05.095(b) is
24 guilty of an infraction and may be assessed demerit points as deter-
25 mined by regulations of the department, notwithstanding the provisions
26 of AS 28.15.231(b). A person who violates AS 28.05.095(b) [AS 28.05.-
27 095(a)] by failing to provide a child safety device or safety belt
28 [SEATBELT] may provide a peace officer, including a village safety
29 officer, proof of purchase or acquisition, and installation, of an

1 approved child safety device or safety belt [SEATBELT]. If the proof
2 is provided within 30 days after the issuance of a citation for the
3 infraction, the court shall dismiss the citation and no points shall
4 be assessed under this subsection [(a) OF THIS SECTION] unless the
5 person has

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

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

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

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

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