

Introduced: 1/9/89  
Referred: State Affairs and  
Transportation

6-0357A

1 IN THE SENATE

BY STURGULEWSKI, UEHLING  
AND DUNCAN

2

SENATE BILL NO. 59

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 AS 28.05.095 is repealed and reenacted to read: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 provided and properly secured each child as described in  
19 this subsection. If the child is less than four years of age, the  
20 child shall be properly secured in a child safety device meeting the  
21 standards of the United States Department of Transportation for a  
22 child safety device for infants. If the child is four but not yet 16  
23 years of age, the child shall be properly secured in a child safety  
24 device approved for a child of that age and size by the United States  
25 Department of Transportation or in a safety belt, whichever is appro-  
26 priate for the particular child.

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

28 (1) passengers in 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.