

Amended: 4/25/90  
Offered: 2/22/89  
Referred: Rules

6-0357J

Original sponsors: Sturgulewski, Uehling,  
and Duncan

1 IN THE SENATE BY THE TRANSPORTATION COMMITTEE  
2 CS FOR SENATE BILL NO. 59 (Transportation) am  
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 AS 28.05.095 is repealed and reenacted to read: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 a school bus, unless the school bus is  
29 required to be equipped with seat belts by the United States

1 Department of Transportation or an emergency vehicle;

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

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

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

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

12 (e) Notwithstanding any other provision of law, a peace officer  
13 may not stop or detain a motor vehicle to determine compliance with  
14 (a) of this section, or issue a citation for a violation of (a) of  
15 this section, unless the peace officer has probable cause to stop or  
16 detain the motor vehicle other than for a violation of (a) of this  
17 section.

18 \* Sec. 2. AS 28.05.096(a) is amended to read:

19 (a) The commissioner of public safety may adopt regulations to  
20 exempt a person [CHILD] or a class of persons [CHILDREN] from the  
21 requirements of AS 28.05.095 if the commissioner determines that the  
22 use of a safety belt or child safety device is impractical because of  
23 physical or medical conditions of the person or class of persons  
24 [CHILD].

25 \* Sec. 3. AS 28.05.099 is amended to read:

26 Sec. 28.05.099. PENALTY. (a) A person convicted of a violation  
27 of AS 28.05.095(a) or (d) [(c)] is guilty of an infraction and may be  
28 fined up to \$15 or the court may waive the fine if the person convict-  
29 ed donates \$15 to the Emergency Medical Services entity providing

1 services in the area in which the violation occurred [ASSESSED DEMERIT  
2 POINTS AS DETERMINED BY REGULATIONS OF THE DEPARTMENT, NOTWITHSTANDING  
3 THE PROVISIONS OF AS 28.15.231(b)].

4 (b) A person convicted of a violation of AS 28.05.095(b) is  
5 guilty of an infraction, and may be fined up to \$50. The person may  
6 also be assessed demerit points as determined by regulations of the  
7 department, notwithstanding the provisions of AS 28.15.231(b). A  
8 person who violates AS 28.05.095(b) [AS 28.05.095(a)] by failing to  
9 provide a child safety device or safety belt [SEATBELT] may provide a  
10 peace officer, including a village safety officer, proof of purchase  
11 or acquisition, and installation, of an approved child safety device  
12 or safety belt [SEATBELT]. If the proof is provided within 30 days  
13 after the issuance of a citation for the infraction, the court shall  
14 dismiss the citation and no points shall be assessed under this sub-  
15 section [(a) OF THIS SECTION] unless the person has

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

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

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

24 \* Sec. 4. AS 28.05.151 is amended by adding a new subsection to read:

25 (b) The supreme court shall establish a scheduled amount of bail  
26 allowing disposition of a citation for a violation of AS 28.05.095  
27 without court appearance.