

COMMITTEE REPORT

HOUSE

FURTHER:

Date: 5/25/84

Mr. Speaker:

The Committee on FINANCE has had CSSB 163(R),

"An Act relating to the use of child safety devices in motor vehicles; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for C.S. 1123 (100) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation *X zero fiscal note*
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Albert L. Lee
R. Battisworth
Don H. ...
...
...
MILO H - R112

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Jerry ... (No Rec)

Albert L. Lee
CHAIRMAN

Offered: 5/24/84
Referred: Finance

Original sponsors: V.Fischer, Moss,
Josephson, et al

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 163 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL
6 For an Act entitled: "An Act relating to the use of child safety devices
7 in motor vehicles; and providing for an effective
8 date "

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

10 * Section 1. AS 28.05 is amended by adding new sections to read:

11 Sec. 28.05.095. CHILD SAFETY DEVICES. (a) Except as provided
12 in (b) of this section, a driver may not transport a child under the
13 age of seven in a motor vehicle unless the driver has provided and
14 properly secured each child as described in this subsection. If the
15 child is less than four years of age, the child shall be properly
16 secured in a child safety device meeting the standards of the United
17 States Department of Transportation for a child safety device for
18 infants. If the child is between four and six years of age, the child
19 shall be properly secured in a child safety device approved for a
20 child of that age and size by the United States Department of Trans-
21 portation or in a seatbelt, whichever is appropriate for the particu-
22 lar child.

23 (b) Subsection (a) does not apply to

24 (1) a school bus or an emergency vehicle;

25 (2) a child or class of children exempted by regulation
26 under AS 28.05.096;

27 (3) a child required to be restrained by seatbelts under
28 (a) of this section if the motor vehicle is not equipped with seat-
29 belts; or

1 (4) a motor vehicle exempt under AS 28.10.011(11).

2 (c) A person may not remove a seatbelt from a vehicle solely to
3 be exempted under (b)(3) of this section.

4 Sec. 28.05.096. EXEMPTIONS; ALTERNATIVE SAFETY DEVICES. (a)
5 The commissioner of public safety may adopt regulations to exempt a
6 child or a class of children from the requirements of AS 28.05.095 if
7 the commissioner determines that the use of a child safety device is
8 impractical because of physical or medical conditions of the child.

9 (b) The commissioner of public safety shall specify alternative
10 means of protection for children exempted under this section.

11 Sec. 28.05.097. CHILD SAFETY DEVICE LOAN PROGRAM. (a) There is
12 established a child safety device loan program in the Department of
13 Public Safety, highway safety planning agency.

14 (b) The director of the highway safety planning agency shall
15 design the child safety device loan program to work in conjunction
16 with private and federal programs operating in the state and shall

17 (1) provide to every hospital and birthing center in the
18 state, subject to the availability of funds, child safety devices for
19 infants and children to be loaned to the public at nominal fees;

20 (2) disseminate materials, printed advertisements, and
21 radio and television messages to educate the public about the risks of
22 injury to and death of unrestrained infants and children in motor
23 vehicles and to explain to the public the provisions of AS 28.05.095.

24 (c) A peace officer who stops a driver for an alleged violation
25 of AS 28.05.095 shall inform the driver about the loan program.

26 Sec. 28.05.098. SALE OF CHILD SAFETY DEVICES. A person may not
27 sell, offer for sale, or install in any motor vehicle a child safety
28 device that does not conform to all applicable federal standards for
29 the device on the date of the sale, offering, or installation.

1 Sec. 28.05.099. PENALTY. (a) A person convicted of a violation
2 of AS 28.05.095(a) or (c) is guilty of an infraction and may be as-
3 sessed demerit points as determined by regulations of the department,
4 notwithstanding the provisions of AS 28.15.231(b).

5 (b) A person who violates AS 28.05.095(a) by failing to provide
6 a child safety device or seatbelt may provide a peace officer, includ-
7 ing a village safety officer, proof of purchase or acquisition, and
8 installation, of an approved child safety device or seatbelt. If the
9 proof is provided within 30 days after the issuance of a citation for
10 the infraction, the court shall dismiss the citation and no points
11 shall be assessed under (a) of this section unless the person has

12 (1) been convicted previously for violating that section by
13 failing to provide a child safety device or seatbelt;

14 (2) been cited for failure to provide a child safety device
15 or seatbelt and has forfeited the bail required by the citation; or

16 (3) provided the proof required by this subsection on a
17 prior occasion.

18 * Sec. 2. AS 28.35.024 is amended by adding a new subsection to read:

19 (e) A person who rents motor vehicles to others shall provide
20 child safety devices in sufficient quantity that all persons to whom
21 the vehicles are to be rented can comply with the requirements of
22 AS 28.05.095.

23 * Sec. 3. This Act takes effect one year after enactment.

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date:

REQUEST

Bill/Resolution No.: HCSCSSB 163 (JUD)
 Title: Re: use of child safety
devices in motor vehicles; ed.
 Sponsor: V. Fischer
 Requestor: House Finance Committee
 Date of Request: 5/25/84

FISCAL DETAIL

Agency Affected: Public Safety
 Program Category Affected: _____
 BRU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		0				
200 TRAVEL		0				
300 CONTRACTUAL		0				
400 SUPPLIES		0				
500 EQUIPMENT		0				
600 LAND & STRUCTURES		0				
700 GRANTS, CLAIMS		0				
800 MISCELLANEOUS		0				
TOTAL OPERATING		0				
CAPITAL		0				
REVENUE		0				

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS		0				
OTHER		0				
TOTAL		0				

POSITIONS:

FULL-TIME		0				
PART-TIME		0				
TEMPORARY		0				

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis. Funds for the Child Safety Device loan program are included already in the operating budget of Public Safety.

Prepared By: House Finance Committee Phone: 465-3706
 Division: Al Adams, Chair Date: 5/25/84

Approved by Commissioner: _____ Date: _____
 Agency: _____

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Offered: 5/24/84
Referred: Finance

Original sponsors: V.Fischer, Moss,
Josephson, et al

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 163 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the use of child safety devices
7 in motor vehicles; and providing for an effective
8 date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. AS 28.05 is amended by adding new sections to read:
11 Sec. 28.05.095. CHILD SAFETY DEVICES. (a) Except as provided
12 in (b) of this section, a driver may not transport a child under the
13 age of seven in a motor vehicle unless the driver has provided and
14 properly secured each child as described in this subsection. If the
15 child is less than four years of age, the child shall be properly
16 secured in a child safety device meeting the standards of the United
17 States Department of Transportation for a child safety device for
18 infants. If the child is between four and six years of age, the child
19 shall be properly secured in a child safety device approved for a
20 child of that age and size by the United States Department of Trans-
21 portation or in a seatbelt, whichever is appropriate for the particu-
22 lar child.
23 (b) Subsection (a) does not apply to
24 (1) a school bus or an emergency vehicle;
25 (2) a child or class of children exempted by regulation
26 under AS 28.05.096;
27 (3) a child required to be restrained by seatbelts under
28 (a) of this section if the motor vehicle is not equipped with seat-
29 belts; or

1 (4) a motor vehicle exempt under AS 28.10.011(11).

2 (c) A person may not remove a seatbelt from a vehicle solely to
3 be exempted under (b)(3) of this section.

4 Sec. 28.05.096. EXEMPTIONS; ALTERNATIVE SAFETY DEVICES. (a)
5 The commissioner of public safety may adopt regulations to exempt a
6 child or a class of children from the requirements of AS 28.05.095 if
7 the commissioner determines that the use of a child safety device is
8 impractical because of physical or medical conditions of the child.

9 (b) The commissioner of public safety shall specify alternative
10 means of protection for children exempted under this section.

11 Sec. 28.05.097. CHILD SAFETY DEVICE LOAN PROGRAM. (a) There is
12 established a child safety device loan program in the Department of
13 Public Safety, highway safety planning agency.

14 (b) The director of the highway safety planning agency shall
15 design the child safety device loan program to work in conjunction
16 with private and federal programs operating in the state and shall

17 (1) provide to every hospital and birthing center in the
18 state, subject to the availability of funds, child safety devices for
19 infants and children to be loaned to the public at nominal fees;

20 (2) disseminate materials, printed advertisements, and
21 radio and television messages to educate the public about the risks of
22 injury to and death of unrestrained infants and children in motor
23 vehicles and to explain to the public the provisions of AS 28.05.095.

24 (c) A peace officer who stops a driver for an alleged violation
25 of AS 28.05.095 shall inform the driver about the loan program.

26 Sec. 28.05.098. SALE OF CHILD SAFETY DEVICES. A person may not
27 sell, offer for sale, or install in any motor vehicle a child safety
28 device that does not conform to all applicable federal standards for
29 the device on the date of the sale, offering, or installation.

1 Sec. 28.05.099. PENALTY. (a) A person convicted of a violation
2 of AS 28.05.095(a) or (c) is guilty of an infraction and may be as-
3 sessed demerit points as determined by regulations of the department,
4 notwithstanding the provisions of AS 28.15.231(b).

5 (b) A person who violates AS 28.05.095(a) by failing to provide
6 a child safety device or seatbelt may provide a peace officer, includ-
7 ing a village safety officer, proof of purchase or acquisition, and
8 installation, of an approved child safety device or seatbelt. If the
9 proof is provided within 30 days after the issuance of a citation for
10 the infraction, the court shall dismiss the citation and no points
11 shall be assessed under (a) of this section unless the person has

12 (1) been convicted previously for violating that section by
13 failing to provide a child safety device or seatbelt;

14 (2) been cited for failure to provide a child safety device
15 or seatbelt and has forfeited the bail required by the citation; or

16 (3) provided the proof required by this subsection on a
17 prior occasion.

18 * Sec. 2. AS 28.35.024 is amended by adding a new subsection to read:

19 (e) A person who rents motor vehicles to others shall provide
20 child safety devices in sufficient quantity that all persons to whom
21 the vehicles are to be rented can comply with the requirements of
22 AS 28.05.095.

23 * Sec. 3. This Act takes effect one year after enactment.

Offered: 4/22/83
Referred: Judiciary

Original sponsors: V.Fischer, Moss,
Josephson, et al

1 IN THE SENATE BY THE TRANSPORTATION COMMITTEE
2 CS FOR SENATE BILL NO. 163 (Transportation)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to the use of child safety devices
7 in motor vehicles; and providing for an effective
8 date."

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

10 * Section 1. AS 28.05 is amended by adding new sections to read:

11 Sec. 28.05.095. CHILD SAFETY DEVICES. (a) Except as provided
12 in (b) of this section, a driver may not transport a child in a motor
13 vehicle unless the driver has provided and properly secured each
14 child

15 (1) less than four years of age in a child safety device
16 meeting the standards of the United States Department of Transporta-
17 tion for a child safety device for infants;

18 (2) between four and six years of age in a child safety
19 device approved for a child of that age and size by the United States
20 Department of Transportation, or in a seatbelt, as is appropriate for
21 the particular child.

22 (b) This section does not apply to

23 (1) a mass transit vehicle, a school bus, an emergency
24 vehicle, or a taxicab or other commercial vehicle;

25 (2) a motor vehicle designed for and used primarily off the
26 highway;

27 (3) a child or class of children exempted by regulation
28 under AS 28.05.096;

29 (4) a child riding as a passenger in a motor vehicle in

1 which all seating positions equipped with seat belts or child safety
2 devices are occupied by other passengers using the seatbelts or
3 devices; or

4 (5) a child required to be restrained by seatbelts under
5 (a) of this section if the motor vehicle is not equipped with seat-
6 belts.

7 (c) A person may not remove a seatbelt from a vehicle solely to
8 be exempted under (b)(4) or (5) of this section.

9 Sec. 28.05.096. EXEMPTIONS; ALTERNATIVE SAFETY DEVICES. (a)
10 The commissioner of public safety may adopt regulations to exempt a
11 child or a class of children from the requirements of AS 28.05.095 if
12 the commissioner determines that the use of a child safety device is
13 impractical because of physical or medical conditions of the child.

14 (b) The commissioner of public safety may specify alternative
15 means of protection for children exempted under this section.

16 Sec. 28.05.097. PENALTY. (a) A person convicted of a violation
17 of AS 28.05.095(a) or (c) is guilty of an infraction and may be
18 assessed demerit points as determined by regulations of the depart-
19 ment, notwithstanding the provisions of AS 28.15.231(b).

20 (b) A person who violates AS 28.05.095(a) by failing to provide
21 a child safety device or seatbelt may provide a peace officer, includ-
22 ing a village safety officer, proof of purchase or acquisition, and
23 installation, of an approved child safety device or seatbelt. If the
24 proof is provided within 30 days after the issuance of a citation for
25 the infraction, the court shall dismiss the citation and no points
26 shall be assessed under (a) of this section unless the person has

27 (1) been convicted previously for violating that section by
28 failing to provide a child safety device or seatbelt;

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

1 or seatbelt and has forfeited the bail required by the citation; or
2 (3) provided the proof required by this subsection on a
3 prior occasion.

4 * Sec. 2. This Act takes effect one year after enactment.

Offered: 2/7/84

Original sponsors: V.Fischer, Moss,
Josephson, et al

1 IN THE SENATE

BY THE RULES COMMITTEE

2

CS FOR SENATE BILL NO. 163 (Rules)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the use of child safety devices
7 in motor vehicles; and providing for an effective
8 date."

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

10 * Section 1. AS 28.05 is amended by adding new sections to read:

11 Sec. 28.05.095. CHILD SAFETY DEVICES. (a) Except as provided
12 in (b) of this section, a driver may not transport a child under the
13 age of seven in a motor vehicle unless the driver has provided and
14 properly secured each child if

15 (1) in a front seat and less than four years of age in a
16 child safety device meeting the standards of the United States Depart-
17 ment of Transportation for a child safety device for infants;

18 (2) in a seat behind the front seat and less than four
19 years of age, in a child safety device under (1) of this subsection or
20 in a seatbelt;

21 (3) between four and six years of age, in a child safety
22 device approved for a child of that age and size by the United States
23 Department of Transportation, or in a seatbelt, as is appropriate for
24 the particular child.

25 (b) This section does not apply to

26 (1) a mass transit vehicle, a school bus, an emergency
27 vehicle, or a taxicab or other commercial vehicle;

28 (2) a motor vehicle designed for and used primarily off the
29 highway;

1 (3) a child or class of children exempted by regulation
2 under AS 28.05.096;

3 (4) a child riding as a passenger in a motor vehicle in
4 which all seating positions equipped with seatbelts or child safety
5 devices are occupied by other passengers using the seatbelts or de-
6 vices;

7 (5) a child required to be restrained by seatbelts under
8 (a) of this section if the motor vehicle is not equipped with seat-
9 belts; or

10 (6) a motor vehicle exempt under AS 28.10.011(11).

11 (c) A person may not remove a seatbelt from a vehicle solely to
12 be exempted under (b)(4) or (5) of this section.

13 Sec. 28.05.096. EXEMPTIONS; ALTERNATIVE SAFETY DEVICES. (a)
14 The commissioner of public safety may adopt regulations to exempt a
15 child or a class of children from the requirements of AS 28.05.095 if
16 the commissioner determines that the use of a child safety device is
17 impractical because of physical or medical conditions of the child.

18 (b) The commissioner of public safety may specify alternative
19 means of protection for children exempted under this section.

20 Sec. 28.05.097. PENALTY. (a) A person convicted of a violation
21 of AS 28.05.095(a) or (c) is guilty of an infraction and may be as-
22 sessed demerit points as determined by regulations of the department,
23 notwithstanding the provisions of AS 28.15.231(b).

24 (b) A person who violates AS 28.05.095(a) by failing to provide
25 a child safety device or seatbelt may provide a peace officer, includ-
26 ing a village safety officer, proof of purchase or acquisition, and
27 installation, of an approved child safety device or seatbelt. If the
28 proof is provided within 30 days after the issuance of a citation for
29 the infraction, the court shall dismiss the citation and no points

1 shall be assessed under (a) of this section unless the person has
2 (1) been convicted previously for violating that section by
3 failing to provide a child safety device or seatbelt;
4 (2) been cited for failure to provide a child safety device
5 or seatbelt and has forfeited the bail required by the citation; or
6 (3) provided the proof required by this subsection on a
7 prior occasion.

8 * Sec. 2. This Act takes effect one year after enactment.

Introduced: 3/8/83
Referred: Transportation
and Judiciary

BY V. FISCHER, MOSS,
JOSEPHSON, STURGULEWSKI,
AND RODEY

1 IN THE SENATE

2

SENATE BILL NO. 163

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the use of child safety devices
7 in motor vehicles; and providing for an effective
8 date."

9

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

10

* Section 1. AS 28.05 is amended by adding a new section to read:

11

Sec. 28.05.095. CHILD SAFETY DEVICES. (a) A driver may not
12 transport a child in a motor vehicle other than an emergency vehicle
13 or a bus unless the driver has provided and properly secured each
14 child

15

(1) less than four year of age in a child safety device
16 approved for infants by the United States Department of Transporta-
17 tion;

18

(2) between four and six years of age in a child safety
19 device approved for a child of that age and size by the United States
20 Department of Transportation, or in a seatbelt, as is appropriate for
21 the particular child.

22

(b) A person convicted of a violation of (a) of this section is
23 punishable by a fine of \$300.

24

(c) If a person who violates (a) of this section by failing to
25 provide a child safety device or seatbelt files with the court, within
26 72 hours after issuance of a citation, proof of purchase or acquisi-
27 tion of an approved child safety device or seatbelt, the court shall
28 dismiss the citation.

29

* Sec. 2. This Act takes effect one year after enactment.