

HOUSE BILL NO. 308 am

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES MILLETT, Muñoz, Foster, Wool, Josephson,

Amended: 4/10/16
Introduced: 2/12/16

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the limitation of liability for the inspection, installation, or**
2 **adjustment of a child safety seat or in providing education regarding the installation or**
3 **adjustment of a child safety seat; and relating to child safety devices in motor vehicles.**

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

5 *** Section 1.** AS 09.65 is amended by adding a new section to read:

6 **Sec. 09.65.094. Liability for inspection, installation, or adjustment of a**
7 **child safety seat.** (a) Except as provided in (b) of this section, a person other than a
8 manufacturer of child safety seats or an agent or employee of a manufacturer of child
9 safety seats is not liable for civil damages as a result of an act or omission that occurs
10 in the inspection, installation, or adjustment of a child safety seat or in providing
11 education regarding the installation or adjustment of a child safety seat if

12 (1) the person

13 (A) has successfully completed the National Child Passenger
14 Safety Certification Training program and maintains a current child passenger

1 safety technician or technician instructor certification issued under that
2 program;

3 (B) offers or arranges a nonprofit child safety seat educational
4 program, checkup event, or checking station program for the public with
5 instruction by certified child passenger safety technicians or technician
6 instructors; or

7 (C) owns property where a nonprofit child safety seat
8 educational program, checkup event, or checking station program for the
9 public occurs with instruction by certified child passenger safety technicians or
10 technician instructors; and

11 (2) the services are provided

12 (A) without a fee, other than for the reimbursement of actual
13 expenses;

14 (B) in good faith; and

15 (C) within the scope of training for which the person is
16 currently certified.

17 (b) This section does not apply to a civil action

18 (1) for damages resulting from gross negligence or willful or wanton
19 misconduct; or

20 (2) where the inspection, installation, or adjustment of a child safety
21 seat, or education provided regarding the inspection, installation, or adjustment of a
22 child safety seat, is performed in conjunction with the for-profit sale of a child safety
23 seat.

24 * **Sec. 2.** AS 28.05.095(b) is amended to read:

25 (b) Except as provided in (c) of this section, a driver may not transport a child
26 under the age of 16 in a motor vehicle unless the driver has provided the required
27 safety device and properly secured each child as described in this subsection. A child

28 (1) less than one year of age or a child one year of age or older who
29 weighs less than 20 pounds shall be properly secured in a rear-facing child safety seat
30 that meets or exceeds standards of the United States Department of Transportation and
31 is used in accordance with the manufacturer's instructions;

1 (2) one or more years of age but less than **four** [FIVE] years of age
2 who weighs 20 pounds or more shall be properly secured in a child restraint device
3 that meets or exceeds the standards of the United States Department of Transportation
4 and is used in accordance with the manufacturer's instructions;

5 (3) over four years of age but less than eight years of age who is less
6 than 57 inches in height and weighs 20 or more pounds but less than 65 pounds shall
7 be properly secured in a booster seat that is secured by a seat belt system or by another
8 child passenger restraint system that meets or exceeds the standards of the United
9 States Department of Transportation and is used in accordance with the manufacturer's
10 instructions;

11 (4) over four years of age who exceeds the height or weight
12 requirements in (3) of this subsection shall be properly secured in a seat belt;

13 (5) eight years of age but less than 16 years of age who does not
14 exceed the height and weight requirements in (3) of this subsection shall be properly
15 secured in a child safety device approved for a child of that size by the United States
16 Department of Transportation or in a safety belt, whichever is appropriate for the
17 particular child as determined solely by the driver.

18 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
19 read:

20 **APPLICABILITY.** AS 09.65.094, enacted by sec. 1 of this Act, applies to causes of
21 action that accrue on or after the effective date of this Act.