

MEMORANDUM

State of Alaska
Department of Law

TO: Department of Public Safety
Alaska State Troopers
Municipal law enforcement

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SUBJECT: Child Passenger
Safety Week

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CHILD PASSENGER SAFETY WEEK

Motor vehicle crashes continue to be the leading cause of death for children between the ages of 2 and 14. Child safety seats reduce the risk of death by 71% for infants, and by 54% for toddlers in passenger cars. Children who use booster seats are 59% less likely to be injured in a crash than children who were restrained only by a safety belt. But one-third of children under 14 ride in the wrong type of restraint their age and size, and only a small percentage of children who should be in booster seats actually use them.¹

In recognition of Child Passenger Safety Week, which runs from February 8-14, 2004 and is coordinated by Buckle Up America and the National Highway Traffic Safety Administration, I hope all Alaska law enforcement personnel are extra vigilant in enforcing Alaska's laws for child safety devices.

Alaska's child safety device law is AS 28.05.095(b):

[A] driver may not transport a child under the age of 16 in a motor vehicle unless the driver has provided the required safety device and properly secured each child as described in this subsection. If the child is less than four years of age, the child shall be properly secured in a child safety device meeting the standards of the United States Department of Transportation for a child safety device for infants. If the child is four but not yet 16 years of age, the child shall be properly secured in a child safety device approved for a child of that age and size by the United States Department of Transportation or in a safety belt, whichever is appropriate for the particular child.

¹ All statistics provided by BUCKLE UP AMERICA, NAT'L HIGHWAY TRAFFIC SAFETY ADMIN., A PROCLAMATION SUPPORTING CHILD PASSENGER SAFETY WEEK 2004 (2004), <http://www.buckleupamerica.org/partnership/2004/cps/TOC.Year%20of%20Booster/PDFs/Proclaim.pdf>.

Simply having a safety device in the vehicle is not enough; the driver is responsible for properly securing the child in the device. Drivers who rent vehicles do not have an excuse if children they are transporting are not properly restrained. Rental businesses are required to provide a sufficient number of child safety devices so that every passenger can comply with the law.

The minor inconvenience in properly restraining a child is worth the trade-off in saving that child's life in the event of an accident. Law enforcement officers are often the first people on the scene of an accident, and that is a critical public safety role. But equally critical is the opportunity for all law enforcement officers to be the first line of defense in *preventing* these tragic endings to childrens' lives.

Although officers cannot stop a vehicle to determine compliance with the *adult* seat belt statute without probable cause for another violation, **officers can and should stop a vehicle if there is reasonable suspicion of a violation of the *child* safety device law.** AS 28.05.095(e). If an officer stops someone for a violation of the law, the officer is also required to inform the driver about the child safety device loan program. The program, administered by the Department of Transportation and Public Facilities, makes child safety devices available for qualifying individuals. Local regional health consortiums or SAFE KIDS Coalitions can provide more information on where individuals can obtain child safety devices.

A person convicted of violating AS 28.05.095(b) is guilty of an infraction and may be fined up to \$50. AS 28.05.099(b). This is higher than the \$15 fine for violating the over age 16 seat belt provision. A person who violates the child safety device statute has 30 days to provide proof of purchasing or acquiring and installing an approved device. If the person provides the requisite proof, the court will dismiss the citation and no points will be assessed unless that person has a previous conviction for violating AS 28.05.095, or been cited for failing to provide a child safety device and forfeited the required bail amount, or previously provided proof of installing an approved child safety device.

Licensed child care facilities are required to ensure appropriate use of seat restraints. In addition, providers in the Child Care Assistance Program must ensure basic environmental health and safety by transporting children in safe vehicles using appropriate child restraints.

All through the year, but especially during Child Passenger Safety Week, I ask officers to help protect Alaska's future by giving extra attention to child safety device laws.