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The 2002 amendment, added subsection (b).

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convicted under (d) of this section. This subsection does not apply to a lessor of a vehicle if the lessor keeps a record of the name and address of the lessee. A violation of this subsection may not result in the loss of a driver's license or privilege to drive and does not constitute grounds for assessment of demerit points under AS 28.15.221 — 28.15.261. This subsection does not prohibit or limit the prosecution of a vehicle driver for violating (a) or (b) of this section. (§ 1 ch 8 SLA 1986; am § 10 ch 76 SLA 1987)

**Revisor's notes.** — In 2006, in (e) of this section, "AS 28.90.010(d)" was substituted for "AS 28.40.050(d)" to reflect the 2006 renumbering of AS 28.40.050.

**Opinions of attorney general.** — The 1987 amendment to this section, providing that the owner or lessee of an offending vehicle will now be guilty of an infraction, would be likely to survive constitutional

challenge. Although generally a person may not be found guilty of an offense unless he or she acts with a "culpable mental state," AS 11.81.600(b)(2) provides that no culpable mental state need be proven if the legislature intended to "dispense with" such a requirement, and the legislature so intended here. June 11, 1987, Op. Atty Gen.

**Sec. 28.35.150. Unlawful to interfere with or destroy official traffic control device or highway construction; action by state for damages. [Repealed, § 25 ch 144 SLA 1977.]**

**Sec. 28.35.155. Operation of vehicle with certain tires prohibited.** (a) It is unlawful to operate a motor vehicle with studded tires or tires with chains attached on a paved highway or road from May 1 through September 15, inclusive, north of 60 North Latitude and from April 15 through September 30, inclusive, south of 60 North Latitude, except that at any latitude on a paved portion of the Sterling Highway a person may not operate a motor vehicle with studded tires or tires with chains attached from May 1 through September 15, inclusive. The commissioner of public safety shall by emergency order provide for additional lawful operating periods based on unusual seasonal or weather conditions. An emergency order adopted under this section is not subject to AS 44.62 (Administrative Procedure Act). Upon application, a special individual traction permit may be issued by the Department of Administration allowing the operation of a motor vehicle with studded tires or chains at any time at the discretion of the vehicle owner. The fee for the special individual permit is one-third of the biennial registration fee applicable to that class of vehicle under AS 28.10.421. The department may provide an appropriate sticker or other device identifying the vehicle to which the permit applies.

(b) In this section, "studded tire" means a tire with metal studs or spikes imbedded in the periphery of the tire surface, and protruding not more than one-fourth inch from the tire surface. (§ 9 ch 241 SLA 1976; am § 29 ch 94 SLA 1980; am § 1 ch 22 SLA 1996; am § 16 ch 44 SLA 1996; am E.O. No. 99 § 61 (1997))

**Cross references.** — For transitional provisions that relate to the amendments to subsection (a) made by § 16, ch. 44, SLA 1996, see § 20, ch. 44, 1996 in the Temporary and Special Acts.

**Sec. 28.35.160. Unlawful injury to or destruction of traffic regulations or guidance device. [Repealed, § 25 ch 144 SLA 1977.]**

**Sec. 28.35.161. Driving a motor vehicle with a screen device operating; unlawful installation of television, monitor, or similar device.** (a) A person commits the crime of driving with a screen device operating if

(1) the person is driving a motor vehicle;  
(2) the vehicle has a television, video monitor, portable computer, or any other similar means capable of providing a visual display that is in full view of a driver in a normal driving position while the vehicle is in motion; and  
(3) the monitor or visual display is operating while the person is driving.

(b) A person may not install or alter equipment described in (a)(2) of this section that allows the images to be viewed by the driver in a normal driving position while the vehicle is in motion.

(c) Subsections (a) and (b) of this section do not apply to

- (1) portable cellular telephones or personal data assistants being used for verbal communication or displaying caller identification information;
- (2) equipment that is displaying only
  - (A) audio equipment information, functions, and controls;
  - (B) vehicle information or controls related to speed, fuel level, battery charge, and other vehicle safety or equipment information;
  - (C) navigation or global positioning;
  - (D) maps;
  - (E) visual information to
    - (i) enhance or supplement the driver's view forward, behind, or to the sides of the motor vehicle for the purpose of maneuvering the vehicle; or
    - (ii) allow the driver to monitor vehicle occupants seated behind the driver;
  - (F) vehicle dispatching and response information for motor vehicles providing emergency road service or roadside assistance;
  - (G) vehicle dispatching information for passenger transport or freight or package delivery;
  - (H) information for use in performing highway construction, maintenance, or repair or data acquisition by the Department of Transportation and Public Facilities or a municipality; or
  - (I) information for use in performing utility construction, maintenance, repair, or data acquisition by a public utility; in this subparagraph, "public utility" has the meaning given in AS 42.05.990.
- (d) Subsections (a) and (b) of this section do not apply to devices and equipment installed in an emergency vehicle. In this subsection, "emergency vehicle" means a police, fire, or emergency medical service vehicle.
- (e) It is an affirmative defense to a prosecution under (b) of this section that the equipment installed or altered includes a device that, when the motor vehicle is being driven, disables the equipment for all uses except those described in (c) of this section.
- (f) A person who violates (a) of this section is guilty of
  - (1) a class A misdemeanor, unless any of the circumstances described in (2) — (4) of this subsection apply;
  - (2) a class C felony if the person's driving causes physical injury to another person;
  - (3) a class B felony if the person's driving causes serious physical injury to another person;
  - (4) a class A felony if the person's driving causes the death of another person.
- (g) A person who violates (b) of this section is guilty of a class A misdemeanor. (§ 1 ch 99 SLA 2008; am § 1 ch 42 SLA 2009)

**Effect of amendments.** — The 2009 amendment, effective September 18, 2009, added (c)(2)(1), and made related stylistic changes.

**Effective dates.** — Section 3, ch. 99, SLA 2008 makes this section effective September 1, 2008.

*Sec. 28.35.170. Operation with more than three persons in driver's seat. [Repealed § 20 ch 241 SLA 1976.]*

**Sec. 28.35.175. Propane gas detector required.** A person may not sell a recreational motor vehicle manufactured after 1990 or rent a recreational motor vehicle to another if the vehicle is equipped with a propane stove or propane heating device unless the vehicle is also equipped with a propane gas detector. (§ 1 ch 110 SLA 1990)

**Sec. 28.35.180. Disobedience to signals of officer regulating traffic prohibited.** A driver of a vehicle may not refuse to obey a lawful order or direction of a peace officer, firefighter, or authorized flagman regulating and directing traffic. A peace officer or