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Gardner

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CS FOR HOUSE BILL NO. 255(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES GARA, THOMAS, GATTO, PEGGY WILSON, GRUENBERG, AND
TUCK, Costello, Gardner

A BILL**FOR AN ACT ENTITLED**

"An Act relating to screen devices in motor vehicles; prohibiting the driver of a motor vehicle from reading or typing a text message or other nonvoice message or communication on a cellular telephone, computer, or personal data assistant while driving a motor vehicle; and providing for an effective date."

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

* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

STATEMENT OF PURPOSE. The purpose of this Act is to conform and clarify that the use of a cellular telephone, computer, personal data assistant, or any other similar means for texting or communicating in a manner prohibited by AS 28.35.161 has been illegal since AS 28.35.161 was enacted and that the December 1, 2011, magistrate's decision in State v. Adams, 3KN-11-719 CR, is legally incorrect.

* **Sec. 2.** AS 28.35.161(a) is amended to read:

(a) A person commits the crime of driving while texting, while

1 communicating on a computer, or while [WITH] a screen device is operating if [(1)]
2 the person is driving a motor vehicle, and

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

7 (2) the person is reading or typing a text message or other
8 nonvoice message or communication on a cellular telephone, personal data
9 assistant, computer, or any other similar means capable of providing a visual
10 display that is in the view of the driver in a normal driving position while the
11 vehicle is in motion and while the person is driving.

12 * Sec. 3. AS 28.35.161(b) is amended to read:

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

16 * Sec. 4. AS 28.35.161(c) is amended to read:

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

18 (1) portable cellular telephones or personal data assistants being used
19 for voice [VERBAL] communication or displaying caller identification information;

20 (2) equipment that is displaying only

21 (A) audio equipment information, functions, and controls;

22 (B) vehicle information or controls related to speed, fuel level,
23 battery charge, and other vehicle safety or equipment information;

24 (C) navigation or global positioning;

25 (D) maps;

26 (E) visual information to

27 (i) enhance or supplement the driver's view forward,
28 behind, or to the sides of the motor vehicle for the purpose of
29 maneuvering the vehicle; or

30 (ii) allow the driver to monitor vehicle occupants seated
31 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.

* Sec. 5. AS 28.35.161(d) is amended to read:

(d) Subsections (a) and (b) of this section do not apply to devices and equipment installed in an emergency vehicle or to the viewing of authorized screen devices by police, fire, or emergency medical service personnel if the user of the equipment or device reasonably believes the information on the device is necessary to respond to a health, safety, or criminal matter. In this subsection,

(1) "emergency vehicle" means a police, fire, or emergency medical service vehicle;

(2) "installed" means equipment in an emergency vehicle, whether permanent or removable.

* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).