

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

April 6, 2006

3:36 p.m.

MEMBERS PRESENT

Senator Gene Therriault, Chair
Senator Thomas Wagoner, Vice Chair
Senator Charlie Huggins
Senator Bettye Davis
Senator Kim Elton

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 12(JUD) am
"An Act relating to televisions, monitors, portable computers,
and similar devices in motor vehicles; and providing for an
effective date."

HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 12

SHORT TITLE: TVS AND MONITORS IN MOTOR VEHICLES

SPONSOR(S): REPRESENTATIVE(S) GRUENBERG, LYNN, GARDNER, MCGUIRE

01/10/05	(H)	PREFILE RELEASED 12/30/04
01/10/05	(H)	READ THE FIRST TIME - REFERRALS
01/10/05	(H)	STA, JUD, FIN
03/01/05	(H)	STA AT 8:00 AM CAPITOL 106
03/01/05	(H)	Scheduled But Not Heard
03/05/05	(H)	STA AT 9:30 AM CAPITOL 106
03/05/05	(H)	Heard & Held
03/05/05	(H)	MINUTE(STA)
03/17/05	(H)	STA AT 8:00 AM CAPITOL 106
03/17/05	(H)	Moved CSHB 12(STA) Out of Committee
03/17/05	(H)	MINUTE(STA)
03/18/05	(H)	STA RPT CS(STA) NT 6DP
03/18/05	(H)	DP: GARDNER, LYNN, GATTO, GRUENBERG, ELKINS, SEATON
04/01/05	(H)	JUD AT 1:00 PM CAPITOL 120
04/01/05	(H)	Heard & Held

04/01/05 (H) MINUTE(JUD)
 04/04/05 (H) JUD AT 1:00 PM CAPITOL 120
 04/04/05 (H) -- Meeting Canceled --
 04/06/05 (H) JUD AT 1:00 PM CAPITOL 120
 04/06/05 (H) Heard & Held
 04/06/05 (H) MINUTE(JUD)
 04/08/05 (H) JUD AT 8:00 AM CAPITOL 120
 04/08/05 (H) Bill Postponed To 4/11
 04/11/05 (H) JUD AT 1:00 PM CAPITOL 120
 04/11/05 (H) Moved CSHB 12(JUD) Out of Committee
 04/11/05 (H) MINUTE(JUD)
 04/12/05 (H) JUD RPT CS(JUD) NT 5DP 2NR
 04/12/05 (H) DP: GRUENBERG, KOTT, ANDERSON, GARA,
 MCGUIRE;
 04/12/05 (H) NR: DAHLSTROM, COGHILL
 04/22/05 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 04/22/05 (H) Heard & Held
 04/22/05 (H) MINUTE(FIN)
 02/08/06 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 02/08/06 (H) <Bill Hearing Postponed>
 03/01/06 (H) FIN AT 1:30 PM HOUSE FINANCE 519
 03/01/06 (H) Moved CSHB 12(FIN) Out of Committee
 03/01/06 (H) MINUTE(FIN)
 03/03/06 (H) FIN RPT CS(FIN) NT 1DP 2DNP 6NR 1AM
 03/03/06 (H) DP: FOSTER;
 03/03/06 (H) DNP: KELLY, HAWKER;
 03/03/06 (H) NR: STOLTZE, JOULE, MOSES, HOLM, MEYER,
 CHENAULT;
 03/03/06 (H) AM: KERTTULA
 03/20/06 (H) FAILED TO ADOPT FIN CS Y16 N20 E3 A1
 03/22/06 (H) ENGROSSED
 03/27/06 (H) TRANSMITTED TO (S)
 03/27/06 (H) VERSION: CSHB 12(JUD) AM
 03/27/06 (S) READ THE FIRST TIME - REFERRALS
 03/27/06 (S) STA, JUD
 04/06/06 (S) STA AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

Representative Max Gruenberg
 Alaska State Capital
 Juneau, AK

POSITION STATEMENT: Co-sponsor of HB 12

Representative Bob Lynn
 Alaska State Capital
 Juneau, AK

POSITION STATEMENT: Co-sponsor of HB 12

Dean Paul
Alaska Yellow Cab Company
Anchorage, AK

POSITION STATEMENT: Suggested amendment to HB 12

Martha Moore, Trauma Registry Coordinator
Division of Public Health
Department of Health &
Social Services

PO Box 110601
Juneau, AK 99801-0601

POSITION STATEMENT: Testified on HB 12

ACTION NARRATIVE

CHAIR GENE THERRIAULT called the Senate State Affairs Standing Committee meeting to order at [3:36:43 PM](#). Present were Senators Thomas Wagoner, Charlie Huggins, Kim Elton, Bettye Davis, and Chair Gene Therriault.

CSHB 12(JUD)am-TVS AND MONITORS IN MOTOR VEHICLES

CHAIR GENE THERRIAULT announced HB 12 to be up for consideration.

[3:37:22 PM](#)

REPRESENTATIVE MAX GRUENBERG, Co-sponsor of HB 12, explained that the bill prohibits operating a motor vehicle while watching a DVD, TV, video monitor, portable computer or any similar display. Penalties are established for violation under a variety of circumstances: 1) the behavior itself is a class C misdemeanor; 2) if another person suffers physical injury it is a class C felony; 3) if another person suffers serious physical injury it is a class B felony; 4) and if another person suffers death it is a class A felony. Making the behavior negligent in and of itself will ease the burden of proof and hopefully make people drive more safely, he said.

Section 1, subsection (b) establishes that it is a class A misdemeanor to install or equip a vehicle with a display that is visible to the driver while the vehicle in motion. Subsection (c) details exclusions such as: portable cell phones; different kinds of audio equipment; vehicle information equipment;

navigation or global positioning; maps; visual aids to help the driver see ahead, behind or to the side for maneuvering purposes.

REPRESENTATIVE GRUENBERG advised that a member of the taxicab industry would testify to suggest an amendment to exempt commercial vehicles because those drivers use certain display equipment to aid in dispatching for passenger transport, freight or package delivery.

HB 12 is based on model legislation and has large bi-partisan support in the House, he said.

[3:42:28 PM](#)

SENATOR KIM ELTON pointed to the exceptions listed on page 2, lines 6-7, subparagraphs (A) and (B) and asked if climate control would be covered.

REPRESENTATIVE GRUENBERG replied yes, definitely.

SENATOR ELTON asked, "What if you have equipment that does all of (A) and (B)? Can the equipment only do (A) or only do (B)? It can do (A) and (B) together?"

REPRESENTATIVE GRUENBERG replied it can do (A) or (B) or (A) and (B) together. Mentioning a discussion with Senator Seekins he said it's okay to have a TV monitor that can be seen by people other than the driver.

CHAIR THERRIault asked about the current administrative regulation limiting a driver's ability to view TV while driving.

REPRESENTATIVE GRUENBERG acknowledged there is regulation, but it's only a violation and not a crime. The current penalty may include points and up to a \$300 fine. The purpose of HB 12 is to beef it up.

SENATOR THOMAS WAGONER commented it only takes a momentary distraction to cause a traffic fatality, but he wasn't sure how far to go in childproofing the world.

SENATOR CHARLIE HUGGINS questioned whether this is a case in which regulation isn't adequate.

REPRESENTATIVE GRUENBERG replied HB 12 strengthens the law and makes offense a class A felony if it causes a death.

SENATOR HUGGINS asked if it would be okay to use a portable computer to listen to audio.

REPRESENTATIVE GRUENBERG responded audio is acceptable; it's visual that's prohibited.

SENATOR HUGGINS asked about the decision to exclude cell phones because some would argue that those are equally distracting.

REPRESENTATIVE GRUENBERG replied the decision not to include cell phones was political. That issue is complex enough to warrant it being the subject of a separate bill. He noted that a growing number of states are making it illegal to use a cell phone while driving with a provisional license.

REPRESENTATIVE BOB LYNN, Co-sponsor, remarked this bill is directed at visual devices and a cell phone is audio.

SENATOR HUGGINS questioned whether there has been more than one documented case in Alaska in which it's suspected that viewing a video device while operating a motor vehicle caused a fatality.

REPRESENTATIVE GRUENBERG directed attention to information in the packets indicating that drivers have been observed watching TV while driving. Under the provisions of HB 12 that behavior alone would be a misdemeanor. The particular case in Alaska was the first time in the country that someone was prosecuted for homicide for the behavior. He suggested that as more displays become available this will become a larger issue.

SENATOR HUGGINS brought up iPod use and aired the view that there is a better case for prohibiting cell phone use while driving than prohibiting video use while driving. He clarified that he wasn't advocating such a ban.

REPRESENTATIVE GRUENBERG said former Representative Wolf introduced a bill on that subject several years ago and it was extremely controversial. He didn't want to burden HB 12 with that issue.

SENATOR ELTON noted that the new iPods have a video screen and he would assume that if you were listening to a music video you would be committing a misdemeanor.

REPRESENTATIVE GRUENBERG answered it wouldn't be illegal unless it's installed in the vehicle. There's a distinction between

portable equipment and devices that are installed in the vehicle.

CHAIR THERRIault asked what the difference is between a portable computer and an iPod with a video screen. Neither is attached to the vehicle and each has a visual.

REPRESENTATIVE GRUENBERG responded he would consider it a friendly amendment to insert mention of iPods as a prohibited device.

CHAIR THERRIault asked whether the language that says, "or any other similar means to create a visual display visible to the person" might cover an iPod that's in a holder on the dashboard.

REPRESENTATIVE GRUENBERG said probably not; the courts read criminal statutes narrowly to protect the accused. If it's not attached or plugged in you couldn't say the vehicle has it. He reiterated he didn't object to a redraft to broaden the bill.

SENATOR ELTON referenced subsection (d) on page 2, line 13 and asked if a trooper vehicle would be considered an emergency vehicle and therefore exempt even in nonemergency situations.

REPRESENTATIVE GRUENBERG replied absolutely; it's an authorized emergency vehicle. Police cars, fire trucks and, ambulances would be included. If the proposed amendment is adopted a tow truck might qualify if it has a computer.

SENATOR ELTON asked whether a registered vehicle that belonged to a private ambulance service would be considered an authorized emergency vehicle.

REPRESENTATIVE GRUENBERG replied definitely and absolutely yes.

SENATOR HUGGINS asked if it would be illegal to read the newspaper or the phonebook while driving.

REPRESENTATIVE GRUENBERG replied not under this bill.

REPRESENTATIVE LYNN chimed in that watching TV would be illegal.

REPRESENTATIVE GRUENBERG remarked the committee is focusing more on the driver's behavior than what is in the vehicle, but he wouldn't oppose an amendment to take the bill in that direction.

[3:56:35 PM](#)

DEAN PAUL, Alaska Yellow Cab Company, explained that his taxicab company has been computerized since 1999. He characterized the system as critical to the operation of the business and that if HB 12 were to pass in its present form, it would likely put him out of business. For that reason he asked the committee to amend the bill to exempt dispatch services for taxicabs, delivery services, and package deliveries.

CHAIR THERRIAULT mentioned the amendment and remarked the proposed language would cover equipment in taxis and delivery vehicles.

MR. PAUL added that the system he's advocating doesn't play videos or TV rather, it's more like a gauge.

REPRESENTATIVE GRUENBERG read the proposed amendment UA.1 and asked Mr. Paul if it would meet his needs. It would exclude: "computerized equipment installed and used in commercial vehicles with the principal design, configuration, and function for use in vehicle dispatching exclusively for passenger transport or freight or package delivery".

MR. PAUL replied he thought the language was satisfactory.

[4:02:49 PM](#)

MARTHA MOORE, Trauma Registry Coordinator in the Division of Public Health, Department of Health and Social Services, stated that the department supports HB 12 as an important contribution in the ongoing effort to prevent serious injury to Alaskans. She submitted vehicle accident data and reported that accidents related to driver distraction and inattention are on the rise. Thirty-eight other states have banned front seat entertainment systems and twelve states have laws pertaining to TVs and monitors in motor vehicles.

CHAIR THERRIAULT directed attention to page 2, line 14 and asked for an opinion as to whether an existing statutory definition should or could be referenced to clarify what "authorized emergency vehicle" includes.

MS. MOORE said she would provide that information.

SENATOR WAGONER moved Amendment 1.

24-LS0058\UA.1
Luckhaupt
9/11/06

A M E N D M E N T 1

OFFERED IN THE SENATE

TO: CSHB 12(JUD)am

Page 2, line 3:

Insert "or"

Page 2, line 12, following "vehicle":

Insert "; or

(3) computerized equipment installed and used in commercial vehicles with the principal design, configuration, and function for use in vehicle dispatching exclusively for passenger transport or freight or package delivery"

SENATOR ELTON objected for the purpose of making a suggestion and asking a question. First, he suggested a technical correction on line 2 of the amendment changing "Insert" to "Delete".

REPRESENTATIVE GRUENBERG agreed.

CHAIR THERRIault announced it to be a technical change and directed members to pencil in the change.

[4:07:22 PM](#)

SENATOR ELTON asked if computerized equipment is too restrictive because he wasn't sure whether "computerized" is an appropriate adjective for a GPS system that provides a map.

REPRESENTATIVE GRUENBERG responded this was Mr. Paul's language and if that word isn't included it could mean any kind of equipment. He asked Mr. Paul to voice his opinion.

REPRESENTATIVE LYNN suggested it be changed to "electronic equipment."

MR. PAUL said the term could be changed to "graphical."

SENATOR ELTON suggested, "display equipment."

REPRESENTATIVE GRUENBERG agreed that "display equipment" would work.

SENATOR ELTON referenced the words "principal design" on line 7 of the amendment and questioned whether that might not open a loophole.

REPRESENTATIVE GRUENBERG agreed with the suggestion to delete the word "principal." He asked Mr. Paul to comment.

MR. PAUL replied that would probably be fine, but he would suggest adding language to restrict the ability to play DVDs.

CHAIR THERRIAULT said he wanted to find out if a definition for "emergency vehicle" exists in statute and whether it ought to be referenced. Furthermore he preferred to work with the drafters to incorporate the suggested changes into a committee substitute before passing the bill on to the Judiciary Committee. He asked if there were other issues.

SENATOR WAGONER asked about highway fatality data related to other distractions such as cell phone use, book reading, and personal care activity.

[4:13:42 PM](#)

MS. MOORE acknowledged that those statistics are available. In fact she has heard that hand-free cell phone use while driving quadruples the chance of a car crash. A 2002 Gallup survey found that 22 percent of the causes leading to a crash were the result of dealing with technology in the vehicle. That included cell phones, beepers, in-car navigation systems, GPS, Internet, radio and others. They all distract attention and put the driver at higher risk for crashing, she said.

SENATOR WAGONER said that is his point. This bill addresses just one item, but crashes are caused by a myriad of instances in which other technology is used.

SENATOR ELTON encouraged the committee to address the issue of an iPod with a video screen before moving the bill.

REPRESENTATIVE GRUENBERG asked the committee if he should draft amendments.

CHAIR THERRIAULT said he would work on a CS through the committee aide to: address the use of iPods, look for statutory reference to emergency vehicle, and polish and incorporate the pending amendment.

REPRESENTATIVE GRUENBERG asked if the committee wanted to include cell phones in the CS.

CHAIR THERRIAULT said no he would rather maintain the current focus.

CHAIR THERRIAULT announced he would hold HB 12 in committee.

There being no further business to come before the committee, Chair Therriault adjourned the meeting at [4:19:38 PM](#).