

**SENATE CS FOR CS FOR HOUSE BILL NO. 88(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 4/4/08**

**Referred: Rules**

**Sponsor(s): REPRESENTATIVES GATTO AND GRUENBERG, Lynn**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to televisions, monitors, portable computers, and similar devices in**  
2 **motor vehicles; relating to the definition of physical injury for the Alaska Uniform**  
3 **Vehicle Code; and providing for an effective date."**

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

5 **\* Section 1.** AS 28.35 is amended by adding a new section to read:

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

9 (1) the person is driving a motor vehicle;

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

13 (3) the monitor or visual display is operating while the person is  
14 driving.

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

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

5 (1) portable cellular telephones or personal data assistants being used  
6 for verbal communication or displaying caller identification information;

7 (2) equipment that is displaying only

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

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

11 (C) navigation or global positioning;

12 (D) maps;

13 (E) visual information to

14 (i) enhance or supplement the driver's view forward,  
15 behind, or to the sides of the motor vehicle for the purpose of  
16 maneuvering the vehicle; or

17 (ii) allow the driver to monitor vehicle occupants seated  
18 behind the driver;

19 (F) vehicle dispatching and response information for motor  
20 vehicles providing emergency road service or roadside assistance;

21 (G) vehicle dispatching information for passenger transport or  
22 freight or package delivery; or

23 (H) information for use in performing highway construction,  
24 maintenance or repair, or data acquisition by the Department of Transportation  
25 and Public Facilities or a municipality.

26 (d) Subsections (a) and (b) of this section do not apply to devices and  
27 equipment installed in an emergency vehicle. In this subsection, "emergency vehicle"  
28 means a police, fire, or emergency medical service vehicle.

29 (e) It is an affirmative defense to a prosecution under (b) of this section that  
30 the equipment installed or altered includes a device that, when the motor vehicle is  
31 being driven, disables the equipment for all uses except those described in (c) of this

1 section.

2 (f) A person who violates (a) of this section is guilty of

3 (1) a class A misdemeanor, unless any of the circumstances described  
4 in (2) - (4) of this subsection apply;

5 (2) a class C felony if the person's driving causes physical injury to  
6 another person;

7 (3) a class B felony if the person's driving causes serious physical  
8 injury to another person;

9 (4) a class A felony if the person's driving causes the death of another  
10 person.

11 (g) A person who violates (b) of this section is guilty of a class A  
12 misdemeanor.

13 \* **Sec. 2.** AS 28.90.990(a) is amended by adding a new paragraph to read:

14 (30) "physical injury" has the meaning given in AS 11.81.900.

15 \* **Sec. 3.** This Act takes effect September 1, 2008.