

HOUSE BILL NO. 255

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVES GARA, THOMAS, GATTO, PEGGY WILSON, GRUENBERG, AND TUCK,
Costello, Gardner, Holmes, Petersen**

Introduced: 1/17/12

Referred: Transportation, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act prohibiting the driver of a motor vehicle from reading or typing a text message**
2 **or other nonvoice message or communication on a cellular telephone, computer, or**
3 **personal data assistant while driving a motor vehicle."**

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

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

7 STATEMENT OF PURPOSE. The purpose of this Act is expressly to provide that the
8 use of a cellular telephone, computer, personal data assistant, or any other similar means for
9 texting or communicating in a manner proscribed by AS 28.35.161 is prohibited. It is the
10 opinion of the legislature that the use of these devices in a manner proscribed by
11 AS 28.35.161 is currently illegal in the state.

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

13 (a) A person commits the crime of driving while texting, while
14 communicating on a computer, or while [WITH] a screen device is operating if [(1)]

1 the person is driving a motor vehicle, and

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

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

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

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

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

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

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

19 (2) equipment that is displaying only

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

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

23 (C) navigation or global positioning;

24 (D) maps;

25 (E) visual information to

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

29 (ii) allow the driver to monitor vehicle occupants seated
30 behind the driver;

31 (F) vehicle dispatching and response information for motor

1 vehicles providing emergency road service or roadside assistance;

2 (G) vehicle dispatching information for passenger transport or
3 freight or package delivery;

4 (H) information for use in performing highway construction,
5 maintenance, or repair or data acquisition by the Department of Transportation
6 and Public Facilities or a municipality; or

7 (I) information for use in performing utility construction,
8 maintenance, repair, or data acquisition by a public utility; in this
9 subparagraph, "public utility" has the meaning given in AS 42.05.990.