

Introduced: 3/6/73
Referred: Judiciary

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 FCCS

HCS

SENATE BILL NO. 193

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3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to reckless and negligent driving."

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

8 * Section 1. AS 28.35.040 is repealed and re-enacted to read:

9 Sec. 28.35.040. RECKLESS DRIVING. (a) A person who drives a
10 motor vehicle in the state in such a manner as to create a substantial
11 and unjustifiable risk of harm to a person or to property is guilty of
12 reckless driving. A substantial and unjustifiable risk is a risk of
13 such a nature and degree that the conscious disregard thereof or a
14 failure to perceive it constitutes a gross deviation from the standard
15 of conduct that a reasonable person would observe in the situation.

16 (b) A person convicted of reckless driving is guilty of a mis-
17 demeanor and is punishable by a fine of not more than \$1,000 or by
18 imprisonment for not more than one year or by both.

19 (c) Lawfully conducted automobile, snowmobile, motorcycle or
20 other motor vehicle racing or exhibition events are not subject to the
21 provisions of this section.

22 * Sec. 2. AS 28.35 is amended by adding a new section to read:

23 Sec. 28.35.045. NEGLIGENT DRIVING. (a) A person who drives a
24 motor vehicle in the state in such a manner as to create an unjusti-
25 fiable risk of harm to a person or to property and who, as a result of
26 the creation of the risk, actually endangers a person or property is
27 guilty of negligent driving. An unjustifiable risk is a risk of such
28 a nature and degree that a failure to avoid it constitutes a deviation
29 from the standard of care that a reasonable person would observe in

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1 the situation. Proof that a defendant actually endangered a person or
2 property is established by showing that, as a result of the defendant's
3 driving,

4 (1) an accident occurred;

5 (2) a person, including the defendant, took evasive action
6 to avoid an accident;

7 (3) a person, including the defendant, stopped or slowed
down suddenly to avoid an accident; or

8 (4) a person or property, including the defendant or his
9 property, was otherwise endangered.

10 (b) The offense of negligent driving is a lesser offense than,
11 and included in, the offense of reckless driving, and a person charged
12 with reckless driving may be convicted of the lesser offense of neg-
13 ligent driving.
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15 (c) A person convicted of negligent driving is guilty of a mis-
16 demeanor and is punishable by a fine of not more than \$300, and in
17 addition, the court may limit or suspend his operator's license in
18 accordance with AS 28.15.220(b) and AS 28.15.260(a).

19 (d) Lawfully conducted automobile, snowmobile, motorcycle or
20 other motor vehicle racing or exhibition events are not subject to
21 the provisions of this section.
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