

HB

511

STATE OF ALASKA
THE LEGISLATURE

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May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House Transportation:

3/16/88



Official Business

Alaska State Legislature

House of Representatives

House Transportation Committee

P.O. Box V
Juneau, Alaska
99811

Phone:
(907) 465-4859

March 16, 1988

COMMITTEE CALENDAR:

HB 511: "An Act relating to motor vehicle windshields and windows."

Confirmation Hearings on Mr. Mark A. Foster to the Board of Marine Pilots

FOR THIS MEETING, YOU HAVE BEEN GIVEN:

a folder on HB 511 that includes:

- item #1: HB 511
- #2: fiscal note & position paper:
Department of Public Safety
- #3: a statement from Rep. Sund
- #4: statutes
- #5: a letter of support
- #6: a proposed amendment

a folder on the confirmation hearings:

- item #1: a resume from Capt. Howard Elsensohn
- #2: a resume from Mr. Mark A. Foster
- #3: a resume from Ms. Marlene Johnson

New Information: a letter from Ms. Shiela Gottehrer
regarding Mr. Foster
confirmation forms and witness
register from the last hearings

FISCAL NOTE

REQUEST

Revision Date: _____ Agency Affected: Public Safety
 Title: "An Act relating to motor vehicle
windshields and windows" BRU: Alaska State Troopers
 Sponsor: Rep. Sund Components: Detachments
 Requestor: House Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY88	FY89	FY90	FY91	FY92	FY93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation will not affect the level of traffic enforcement that currently exists, thus no fiscal impact is anticipated.

Prepared by: Francis C. Allan
 Division: Alaska State Troopers

Phone: 269-5691
 Date: 3/15/88

Approved by Commissioner: *Art G. D.*
 Agency: Public Safety

Date: 3-16-88

Distribution: (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

BILL NO: HB 511

DATE: March 15, 1988

TITLE: "An Act relating to
motor vehicle windshields
and windows."


CONTACT: Col. Robert E. Jent
269-5641

DEPARTMENT OF
PUBLIC SAFETY

There is a concern among the public and the law enforcement community that vehicles with deeply tinted windows will inhibit the operator's vision and thus impair his/her ability to safely operate the vehicle. Further, law enforcement officers are concerned about approaching motor vehicles when they can not clearly see the operator from outside of the vehicle.

This well intentioned bill addresses a serious concern of the law enforcement community in Alaska. Unfortunately, difficulties are anticipated with the wording used in this legislation. Specifically Sec. 28.35.165(b)(1), (c)(1), and (c)(2). Without a clear, reasonable and sophisticated testing procedure, the percentage of light transmission capacity and luminous reflectance could not be adequately identified and thus the proposed statute would be unable to withstand a court challenge.

Other states have been attempting to deal with the concerns that are being addressed by this legislation. Resolution is unclear at this time. Problems exist related to achieving a balance between officer safety, privacy of citizens, and interference with interstate commerce. It is suggested that a thorough review be performed by the Department of Law relative to the complicated legal issues involved.


Arthur English, Commissioner
Department of Public Safety

JOHN SUND, REPRESENTATIVE

2504 2nd Avenue
Ketchikan, Alaska 99901
(907) 225-5552

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P. O. Box V
Juneau, Alaska 99811
(907) 465-4919

MEMORANDUM

March 9, 1988

TO: Rep. Bette Cato, Chair,
House Committee on Transportation

FROM: Rep. John Sund

RE: House Bill 511

This bill was introduced at the request of a member of the Ketchikan Police Department as a safety measure. (See attached letter from Corporal. James Janke.)

The bill would add a new section to AS 28.35 (Motor Vehicles -Miscellaneous Offenses,) to prohibit operating a motor vehicle with windshields or windows that obstruct the driver's clear view.

I have attached an amendment which would set the penalty at an infraction, (non-criminal, maximum fine \$300.-); if no penalty is specified, the offense would become a Class B Misdemeanor (90 maximum jail; \$1000 maximum fine).

This legislation would contribute to motor vehicle safety in three ways. First, it would prohibit operation with windshields that obstruct a driver's view in a manner that interferes with safe operation. Second, it would protect the police officer stopping a vehicle by allowing him or her to see inside the vehicle and spot potential trouble. Third, as Officer Jenke points out, it will allow a pedestrian to tell if the approaching driver is alert to his or her presence.

FEB 10 1988

February 6, 1988

The Honorable John Sund
Alaska Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. Sund,

I am writing this letter to you regarding a matter I feel is of grave importance to me and my fellow Police Officers. As you know, John, I am a Police Officer with the City of Ketchikan and have been for the past eight years. In recent years, I have noticed more and more vehicles being driven on our streets and highways with all or most of their windows tinted. The density of the tint varies from slight to completely dark.

My primary concern deals with the vehicles that do not allow one to see inside the vehicle, due to the tint. As a Police Officer, my life depends on my ability to view what is going on inside of a vehicle should I have to make contact with the occupants. Should I have occasion to stop a driver for suspected Driving While Intoxicated, I must know that the occupants in the vehicle have not exchanged drivers. The disadvantages of a Police Officer not being able to view what is going on inside a vehicle while it is on our streets and highways are endless, and obvious.

While describing my dismay of this problem to a concerned citizen one day, she pointed out to me that she also has a major concern about this problem. She went on to tell me that she refuses to cross a street when a vehicle is passing by her, when she cannot see the driver. She stated that is she can't see the driver, how does she know he can see her?

My own personal vehicle has factory tinted glass, but it is not so dark that you cannot see everything inside, this includes in the dark of night. Like I mentioned earlier, my major concern is vehicles with the "mirror" or "one way" tinted windows.

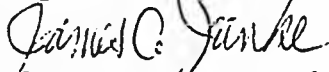
I telephoned your office earlier this week about this matter and talked to a very helpful John Hartle. I informed him at that time that I thought California has a law in effect regarding the "tinted window" issue. He advised me that your staff would research this issue and by the time you receive this letter, they should have some more information for you on this matter.

Honorable John Sund
Alaska Legislature
February 6, 1988
Page Two

Mr. Sund, I would appreciate your time and effort on this matter, and hope that it can be resolved in a timely manner. I believe that this is a matter of grave concern to other Police Officers in our state and that they feel the same way I do.

In anticipation, thank you for your help.

Respectfully,


Cpl. James C. Janke
Ketchikan Police Department
361 Main Street
Ketchikan, Alaska 99901
(907) 225-6631

Home address:
3760 Fairview Avenue
Ketchikan, Alaska 99901
(907) 225-6326

A M E N D M E N T

Offered in the HOUSE

By Sund

TO: HB 511

Page 2, after line 3:

Insert a new subsection to read:

"(d) A person who violates this section is guilty of an infraction."



Official Business

COMMITTEE:

House Transportation Committee

DATE: March 16, 1988

SIGN-IN

Subject of meeting:

* HB 511: "An Act relating to motor vehicle windshields and windows."

Confirmation Hearings on Mr. Mark A. Foster to the Board of Marine Pilots

NAME Please include title **ADDRESS** Please use full address. Please include zip. **PHONE** **REPRESENTING** **DO YOU WANT TO TESTIFY?**

NAME Please include title	ADDRESS Please use full address. Please include zip.	PHONE	REPRESENTING	DO YOU WANT TO TESTIFY?
John Hartle	40 House Judiciary	X 4990	REP. John Sund	Yes - HB 511
Sheila Gattiker	Governor's Office	X 3500	Governor	yes if desired - Conf. hearing

* indicates first public hearing