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SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 1/12/04

FURTHER: Judiciary
 Finance

Date of 5-Day Notice: 2/5/04
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 3/5/04

State Affairs Committee considered SENATE BILL NO. 255

SB 255 ILLEGAL USE TRAFFIC PREEMPTION DEVICE

"An Act relating to traffic preemption devices."

and recommends:

- be replaced with _____ CS SB 255 (STA)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

Senate Bill:	
<input checked="" type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
DPS	2/9/04			✓	
DPS	2/9/04			✓	
DOL	2/10/04			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
<i>John J. Caudrey</i>	✓			
<i>Bert R. Hubmaier</i>	✓			
CHAIR: <i>[Signature]</i>	✓			

23-LS1397U
Luckhaupt
3/3/04

CS FOR SENATE BILL NO. 255()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR THERRIAULT

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to traffic preemption devices."**

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

3 *** Section 1.** AS 11.56 is amended by adding a new section to read:

4 **Sec. 11.56.825. Unlawful possession or use of traffic preemption device.**

5 (a) A person commits the crime of unlawful possession or use of a traffic preemption
6 device if the person possesses or uses a traffic preemption device and that person is
7 not at the time of the possession or use operating an emergency vehicle.

8 (b) This section does not apply to

9 (1) an employee of the state or a municipality who at the time of the
10 ~~possession or use of a traffic preemption device~~ is authorized to install, repair, or
11 maintain traffic preemption devices and only uses a device in the process of installing,
12 repairing, and maintaining the devices; or

13 (2) a person operating a motor vehicle involved in highway
14 maintenance or public transit that has been authorized by the Department of
15 Transportation and Public Facilities or a municipality to possess or use a traffic

1 preemption device.

2 (c) In this section,

3 (1) "emergency vehicle" means a police, fire, or emergency medical
4 service vehicle that only uses a traffic preemption device when responding to a fire or
5 other emergency or when transporting a patient to a hospital or clinic or for transfer to
6 another emergency vehicle;

7 (2) "traffic preemption device" means a system that uses infrared light
8 or other technology on a motor vehicle to transmit a signal to a receiver connected to a
9 traffic light or other traffic control device for the purpose of giving the vehicle
10 transmitting the signal the right-of-way by changing the traffic light or control device.

11 (d) Unlawful possession or use of a traffic preemption device is a class A
12 misdemeanor.

23-LS1397H
Luckhaupt
2/16/04

CS FOR SENATE BILL NO. 255()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR THERRIAULT

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to traffic preemption devices."

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

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(2) "traffic preemption device" means a system that uses infrared light or other technology on a motor vehicle to transmit a signal to a receiver connected to a traffic light or other traffic control device for the purpose of giving the vehicle transmitting the signal the right-of-way by changing the traffic light or control device.

(d) Unlawful possession or use of a traffic preemption device is a class A misdemeanor.

Alaska State Legislature

SENATOR
GENE THERRIAULT

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
(907) 488-0857
Fax: (907) 488-4271



Senate

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax: (907) 465-3884

INTEROFFICE MEMORANDUM

TO: SENATE STATE AFFAIRS COMMITTEE MEMBERS
FROM: SENATOR GENE THERRIAULT *Gene T.*
SUBJECT: CS FOR SB 255H "AN ACT RELATING TO TRAFFIC PREEMPTION DEVICES"
DATE: 2/25/2004

Attached please find a proposed committee substitute for SB 255, which addresses a number of questions raised by members of the Senate Affairs Committee.

Questions were raised in committee regarding use of the word "Possession" on page 1 line 6. I have asked Legislative Legal to comment on the possible use of the phrase "Possession with the intent to use" and have been informed that such wording would make it almost impossible to prosecute an offence under this proposed law. Traffic Preemption Devices (TPDs) are not antiques or collector items and they have no other possible use other than as TPDs. My recommendation is that the "Possession" is the best language to use in statute.

The Committee also asked for a clarification on exempting the use of TPDs in public transportation equipment. Again working with our legal department, new wording was crafted that appears on page 1 line 14 that limits the exemption and narrows the scope and still keeps the original intent of the language.

Finally, Senator Cowdery suggested that language be added to prevent radio personalities from playing sounds such as sirens that could confuse drivers and possibly cause accidents. While I understand the Senators concern; the freedom of speech implications of this suggestion are insurmountable.

If you have any questions or comments please feel free to contact me. I hope I have satisfied the committee questions and I request that you move SB 255 from the State Affairs Committee.

23-LS1397D
Luckhaupt
2/10/04

CS FOR SENATE BILL NO. 255()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATOR THERRIAULT

A BILL

FOR AN ACT ENTITLED

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13 (2) a person operating a motor vehicle involved in highway
14 maintenance, transportation, or other service that has been authorized by the
15 Department of Transportation and Public Facilities to possess or use a traffic

Clear up the large
poisonous w/ the
intent to use
enforcement??
how do you catch
them?

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preemption device.

(c) In this section,

(1) "emergency vehicle" means a police, fire, or emergency medical service vehicle that only uses a traffic preemption device when responding to a fire or other emergency or when transporting a patient to a hospital or clinic or for transfer to another emergency vehicle;

(2) "traffic preemption device" means a system that uses infrared light or other technology on a motor vehicle to transmit a signal to a receiver connected to a traffic light or other traffic control device for the purpose of giving the vehicle transmitting the signal the right-of-way by changing the traffic light or control device.

(d) Unlawful possession or use of a traffic preemption device is a class A misdemeanor.



State of Alaska
Department of
Public Safety

Frank H. Murkowski, Governor
William Tandeske, Commissioner

February 9, 2004

The Honorable Gene Therriault
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear Senator Therriault:

The Department of Public Safety supports Senate Bill 255 The Unlawful Possession or Use of Traffic Preemption Device. It is a matter of public safety that these devices are used only during an emergency response by an emergency vehicle. The misuse of these devices could easily endanger the lives of pedestrians and motorists. Possession of these devices by untrained personnel invites their abuse, with what could be tragic results. As a side note, unauthorized use of these devices could generate unfounded complaints to state and local traffic engineers who would attempt to trouble shoot traffic signals for problems that don't exist. Unauthorized use would undermine public confidence and support for continued use and expansion of traffic preemption systems.

The unlawful use or possession of a traffic preemption device warrants the punishment of a class A misdemeanor if convicted.

Sincerely,

William Tandeske
Commissioner



Firehouse

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SIGNAL CHANGER CAN LEAD TO HAVOC LIGHTS: EMERGENCY CREWS RELY ON DEVICE TO CLEAR PATH, SO CIVILIAN USE SPARKS WORRY

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 Modesto Bee
 January 19, 2004, Monday, ALL EDITION

A fire engine rolling to a house fire with people inside. A police officer responding to a shooting. Paramedics headed to a major traffic accident.

All need clear paths to get to their destinations as quickly and safely as possible.

Recently, however, Riverside County paramedics approaching an intersection used a mobile infrared transmitter (MIRT) to change a signal light from red to green, only to have a civilian change it back.

While such technology might be a dream for drivers eager to sail through without any red lights, authorities say signal changers could create problems for emergency vehicles.

That's why Assemblyman Dario Frommer, D-Glendale, plans to sponsor a bill that would ban the public sale of such transmitters.

Currently, the devices are sold locally, as well as on the Internet. It's not illegal to buy or have them -- it's only illegal for civilians to use them.

"You just can't have every motorist with the ability to change a stop light at

**30,000
People
Receive E-mail
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will," Frommer said. "It could create tremendous chaos."

Frommer said the transmitters should be restricted to police, fire and medical emergency personnel.

Modesto police Capt. Joe Aja said he is not aware of any incidents in Modesto when someone used a transmitter to change a signal light against an emergency vehicle.

Aja said firefighters, police and other emergency personnel have used the transmitters for years. But they were never intended for public use.

"(Police) use the transmitters for safety," Aja said. "They create a safety corridor for us and an extra level of safety."

The devices emit an invisible high-intensity strobe light that can change signals from red to green in two or three seconds from a distance of about 300 yards.

Aja said emergency personnel can use the transmitters at most of Modesto's major intersections. The devices are attached to the police car's emergency light bar, he said.

Internet availability raises concern

But the public can buy the devices for prices ranging from about \$100 for a used one to about \$400 for a new one. Frommer said the growing availability on the Internet convinced him the law needs to be changed.

Under the proposed legislation, anyone not working as a firefighter, police officer or paramedic would be fined if found with a transmitter or if they are caught selling one, Frommer said.

The bill would make the unauthorized purchase or sale punishable by a fine of up to \$1,000. Anyone caught selling or buying two or more transmitters would be charged with a misdemeanor and fined up to \$3,000.

A person with an unauthorized device who causes an injury or death in a car accident would be fined up to \$10,000.

The bill also would permit law enforcement to conduct online stings.

Frommer said anyone willing to lie about their occupation can buy a signal pre-emptor on the Internet. The transmitter can be plugged into a cigarette lighter, he said.

"If the public starts using the transmitters, emergency personnel might have to start using a secondary signal with a code," Modesto Fire Battalion Chief Richard Hurley said.

Tim Gow, who invented MIRTs and owns the company that produces them, FAC of America, defended a distributor's right to publicize and sell the product online.

The advertising, he said, is aimed at public safety departments.

"We don't market to the public, and we never intended to market to the public," Gow said.

Jerry Sterner, president and chief executive officer of Sintex Security Service in Modesto, is one of 14 authorized MIRT dealers statewide.

Sterner said he sells the infrared transmitter only to police agencies, fire



departments and ambulance companies.

He predicts that Frommer's bill will pass. "By midyear they no longer will be allowed," Sterner said.

Bee staff writer Daryl Farnsworth can be reached at 578-2337 or dfarnsworth@modbee.com.

The Sacramento Bee contributed to this report.

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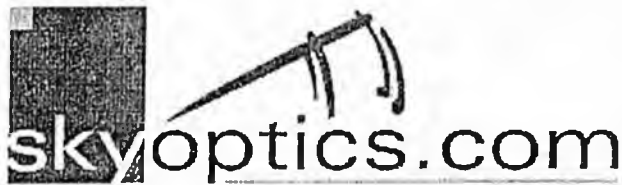
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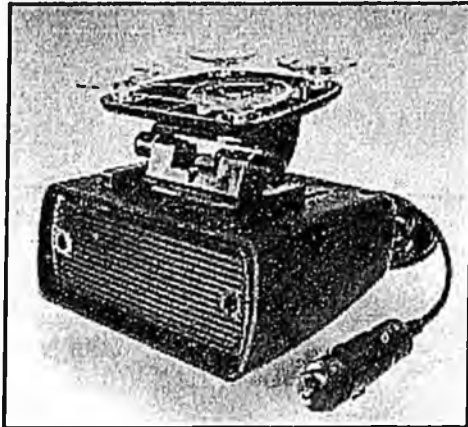
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The Mirt Traffic Control Preemptive Device for only \$385 & free shipping!!

**→ [CLICK HERE TO ORDER NOW!!](#)
NOW AVAILABLE (LIMITED STOCK)!!**

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PORTABLE

CHANGE STOPLIGHTS FROM **RED** TO **GREEN** IN SECONDS!
For the first time, a traffic light changer that is practical, mobile, AND compact! "MIRT" can be securely positioned on the dash or inside windshield and moved from vehicle to vehicle with no installation required. Just plug it in and go! Its unique infrared technology emits no visible light, making it discrete and eliminating any distraction to the driver or other vehicles in the vicinity.

POWERFUL

Do not be fooled by MIRT's compact size. Emitting 15 watts of energy (more than any other portable traffic light changer) MIRT changes traffic lights from red to green in 2 to 3 seconds

RELIABLE

from more than 1500 ft.
MIRT is manufactured by a trusted name in the industry with more than 15 years experience. All electronic components and assembly are top quality, and every unit is tested to ensure endurance, dependability, and safety. It is perfect for the heavy duty use and is backed by a 10-yr. warranty!

ECONOMICAL

The technology of MIRT is not only "breakthrough", it is by far the most price-efficient signal changer available...costing less than half of any competing product. Check out the order page for the amazing pricing details!

- Dimensions:
Width - 7", Depth - 7", Height - 2"
- Plugs into any standard 12 Volt vehicle accessory outlet (or cigarette lighter)
- 14 Hertz, high priority preemption emitter
- Changes light from 1500 feet
- Compatible with all 3M Optimcom™ and 3mar Strobecom™ preemption detector systems
- 10-Year Manufacturer's Warranty
- Now, traffic light preemption is affordable for every run!

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Alaska State Legislature

SENATOR
GENE THERRIAULT

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Senate

Sponsor Statement SB 255

Senate Bill 255: "An Act relating to traffic preemption devices"

Sponsor: Senator Gene Therriault 

Senate bill 255 was introduced to reserve the use of Traffic Preemption Devices (TPDs) for legitimate emergency response providers. TPDs allow vehicles approaching a traffic signal to override the normal signal control and change the light from red to green. This enables emergency vehicles to proceed more rapidly to the situation they are responding to. Unfortunately, without a change in state law, these devices are available for purchase and use by the general public and indiscriminate use could lead to accidents.

This bill is intended to keep these accidents from occurring, by assuring that only certified personnel use TPDs. This is accomplished by making it illegal to own a TPD unless you are a selected emergency response provider. In addition, authorized individuals would only be able to use the device in an official capacity, as defined by this bill. The bill also guarantees that mechanics and other authorized repair personnel are allowed to possess and use TPDs, when installing or repairing them in an official capacity.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: SB255-LAW-CDCO-2-10
 Bill Version: SB255
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: LAW
 Title "An Act relating to traffic preemption devices." RDU CRIMINAL
 Component CDCO
 Sponsor Senator Therriault
 Requester Senate State Affairs Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill makes it a Class A misdemeanor to possess or use a traffic preemption device if a person is not at the time of possession or use, operating an emergency vehicle. An exception is made for employees of a municipality or the state who are authorized to install, repair, or maintain traffic preemption devices provided use of the device is in accordance with such authorization.

Passage of this legislation will have no foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhete, Director Phone 465-3673
 Division: Administrative Services Date/Time 2/10/04 9:29 AM
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/10/2004
 Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB255-DPS-FP-2-9-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Illegal use of Traffic Preemption Device RDU Fire Prevention
 Component Fire Prev. Operations
 Sponsor Senator Therriault
 Requester Senate State Affairs Component No. 494

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time		0	0	0	0	0
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill makes it unlawful to possess or use a traffic preemption device when not operating an emergency vehicle.

SB 255 will have no fiscal impact to the Department of Public Safety.

Prepared by: Gary Powell, Director Phone 269-5491
 Division Fire Prevention Date/Time 2/9/04 9:39 AM
 Approved by: Commissioner William Tandeske Date 2/6/2004
 Agency Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB255-DPS-ASTD-2-9-04
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title An Act relating to traffic preemption devices. RDU Alaska State Troopers
Component AST Detachment
Sponsor Senator Therriault
Requester Senate State Affairs Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
This bill would ban the possession and use of equipment that will activate traffic "preemption" devices if the user is not involved in an emergency operation. The preemption devices send a signal to a traffic light or other traffic control device to give emergency responders priority at intersections that have been equipped with compatible equipment by changing the traffic light or device. Violation of this section would be a class A misdemeanor.

This bill will have no fiscal impact on the Department of Public Safety.

Prepared by: Lieutenant Al Storey Phone 269-4532
Division: Alaska State Troopers Date/Time 2/9/04 3:55 PM
Approved by: Commissioner William Tandeske Date 2/9/2004
Agency: Department of Public Safety