

**HB**

**88**

**HFIN**

**FILE**



# FISCAL NOTE

STATE OF ALASKA  
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1  
Bill Version: CSHB 88(STA)  
(H) Publish Date: 2/21/07

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
Title An Act relating to TV's and monitors in motor RDU Criminal  
vehicles. Component Criminal Justice Litigation  
Sponsor Representative Gatto  
Requester House State Affairs Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

The bill prohibits a person from driving a motor vehicle with a TV type monitor installed that is visible to the driver, if the monitor is operating while the vehicle is being driven. It also prohibits installing such a monitor or altering a monitor that so that a monitor is visible to the driver while operating the vehicle. There are several exceptions, such as GPS or other equipment or safety displays. The penalty for the new crime of operating a vehicle while a monitor visible and playing depends on the harm caused. If no injury results from the offense, it is a class A misdemeanor. If, for example, a person sustains serious physical injury, the offense is a class B felony. The penalty for installation or alteration is a class A misdemeanor. The department does not anticipate any significant fiscal impact.

Prepared by: Robert Meiners, Acting Director  
Division Administrative Services Division  
Approved by: Robert Meiners for Talis Colberg, Attorney General  
Agency Department of Law

Phone 465-5427  
Date/Time 2/6/07 7:20 AM  
Date 2/6/2007

adopted 4/25/07  
N/D

25-LS0312\O  
Luckhaupt  
3/12/07

CS FOR HOUSE BILL NO. 88( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

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;

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

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section.

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

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

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

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

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

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

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

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

\* Sec. 3. This Act takes effect September 1, 2007.



Official Business

# Alaska State Legislature

## HOUSE OF REPRESENTATIVES

State Capitol  
Juneau, AK 99801-1182

**Representative Carl Gatto**

**Representative Max Gruenberg**

### Sponsor Statement and Sectional Analysis

CSHB 88 (JUD) Version "L" (25-LS0312\L) – Televisions and Monitors in Motor Vehicles

#### Sponsor Statement

The purpose of the bill is to prevent operators of motor vehicles from watching television, video, and any other programming by making it a crime. Furthermore the bill makes it a crime to install a device capable of being viewed while the vehicle is in operation. This bill is similar, in most respects, to the version of HB 12 that passed the House last year. CS HB 88 Version "K" passed the House Judiciary Committee and is now identified as Version "L".

#### Sectional Analysis

Section 1 amends AS 28.35 by adding a new section as follows:

Paragraph (a) sets forth the general rule that a person shall not drive a motor vehicle while watching a television, video monitor or other type of video display. The elements of "driving with a screen operating" are 1) a person is driving a motor vehicle, 2) the video display can be viewed by the driver while seated in a normal driving position, and 3) the video display is operating.

The crime covers any equipment creating a visual display, whether it is installed or hand held. This change was made from the House State Affairs committee substitute that dealt with installed and hand held equipment slightly differently. In that version, installed devices only had to be operating in the driver's view while the motor vehicle is in motion, while, for hand held devices, such as cellular telephones and personal data assistants, the driver actually had to be watching or reading from the visual display while driving to constitute a violation. With the change in paragraph (a), installed and hand held equipment are dealt with in the same manner.

Paragraph (b) prohibits installing or altering a video display in a motor vehicle that allows the images to be viewed by the driver while the vehicle is moving.

Paragraph (c) provides specific exemptions to the general rule excluding cell phones and personal data assistants that are used for verbal communication, aides to navigation, visual displays for operational safety, for dispatch information, like those found in taxi cabs. Another exemption for displays for state and local highway construction and road repair was added in House State Affairs Committee.

Paragraph (d) makes it clear that the bill is not intended to cover equipment installed in an emergency vehicles.

Paragraph (e) establishes an affirmative defense if the visual display becomes inoperable when the vehicle is moving.

Paragraph (f) states that a person who drives a vehicle in violation of the law is guilty of a class A misdemeanor;

- 1) it is a class C felony if, as a result of that violation, another person suffers a physical injury;
- 2) it is a class B felony if, as a result of that violation, another person suffers a serious physical injury;
- 3) it is a class A felony if, as a result of that violation, another person dies.

Paragraph (g) makes it a class A misdemeanor for a person to install equipment in violation of the law.

Section 2 of the bill defines "physical injury".

Section 3 of the bill sets forth an effective date of September 1, 2007.

# LEGISLATIVE RESEARCH REPORT

SEPTEMBER 20, 2004



REPORT NUMBER 05.011

## STATE LAWS REGARDING TELEVISIONS, DVD PLAYERS, AND OTHER ELECTRONICS INSTALLED IN VEHICLES

PREPARED FOR REPRESENTATIVE LES GARA

BY CHERIE NIENHUIS, LEGISLATIVE ANALYST

You asked about DVD players in vehicles. Specifically, you asked about state or federal laws regarding the installation of DVD players in vehicles and the viewing of videos by drivers. You also requested information about how other states have resolved issues of illegal installation and viewing of video displaying devices in vehicles.

As you may know, the State of Alaska recently brought murder charges against a man who lost control of his vehicle and collided with another vehicle, killing both occupants.<sup>1</sup> The State sought the charge of second-degree murder because the driver was allegedly watching a video on his vehicle-installed DVD player when the accident occurred, a charge he denies. To be convicted of second-degree murder charges in this case, the State had to prove that the defendant "knowingly" engaged in conduct that caused another's death, and that such conduct displayed an "extreme indifference to the value of human life."<sup>2</sup> Although the jury ruled in favor of the defendant, the case drew nationwide attention as possibly the first of its kind—one in which serious criminal charges were filed against a driver whose attention was allegedly diverted from the road to a distracting electronic device—one of many such devices currently available for installation in automobiles.

Digital video disc (DVD) players join a growing list of electronic devices being modified for use in vehicles, causing concern that drivers are more distracted than ever before. Lawmakers in almost every state have considered bills to prohibit or modify the use of cellular phones while driving, but because there is still considerable debate as to whether talking on a cell phone is any more distracting than changing the dial on a car radio, few of the measures have passed. Regardless of the origin, distractions contribute to 25 percent of vehicle crashes each year—

<sup>1</sup> *State v. Petterson*, 3KN-03-00886CR, filed 5/12/2003. We include an MSNBC article describing the case as Attachment A.

<sup>2</sup> AS 11.41.110(a)(2); and Associated Press, "Alaska Crash Trial Focuses on DVD Player," FOXNews.com, July 27, 2004.

about 4,000 per day—reports the National Highway Traffic Safety Administration. Many lawmakers fear that the additional availability and affordability of in-vehicle electronic gadgets, such as TV monitors and DVD players, will exacerbate the distracted driving problem that already exists and result in higher accident rates.

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### STATE LAWS ON IN-VEHICLE TELEVISIONS, DISTRACTIONS

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According to a list published in the *AAA Digest of Motor Laws 2004*, 37 states and the District of Columbia have laws or regulations that prohibit TV viewers, screens, or other such receiving equipment from being in a location visible to the driver.<sup>3</sup> Section (a) of Alaska's regulation on in-vehicle TV equipment, 13 AAC 04.260, reads as follows:

A motor vehicle driven in this state may not be equipped with television-type receiving equipment located where the viewer or screen is visible from the driver's seat.

Section (c) of the code exempts equipment used for safety or law enforcement purposes, thereby allowing the use of Global Positioning System (GPS) and Loran systems for navigational purposes. This is a common exemption among states.

A violation of the above regulation, as well as of most such laws and regulations in other states, is generally treated like a minor traffic offense, and is punishable by a fine.

Many state laws, however, do not address other video displaying devices, such as DVD players. This was a distinction noted by attorneys in the criminal case, *State v. Petterson*, described above. Alaska law does not currently prohibit DVD players and other video displaying devices from being located within view of the driver's seat. The proliferation of in-vehicle devices has prompted state lawmakers to examine current laws and adapt them, if necessary, to the changing technological landscape. California and Texas are two states that have expanded their laws to include DVD players and other electronic devices; others, such as New York and Louisiana, have considered similar bills. We include copies of the California and Texas laws as Attachments C and D, respectively.

According to Matt Sundeen, Transportation Analyst, National Conference of State Legislatures, although Congress has held hearings on driver distraction issues, no federal laws currently target in-vehicle electronics of this nature.<sup>4</sup>

Some jurisdictions are choosing to strengthen and expand distracted driving laws; one such law is that enacted by the District of Columbia. The District's Distracted Driving Safety Act of 2004 now includes as distractions activities like reading, writing, performing personal grooming, and interacting with pets or unsecured cargo. A person found guilty of distracted driving in D.C. is fined \$100.<sup>5</sup>

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<sup>3</sup> We include a copy of the list as Attachment B.

<sup>4</sup> Matt Sundeen can be reached at (303) 364-7700.

<sup>5</sup> A15-311, the Distracted Driving Safety Act of 2004, is included as Attachment E.

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## INDUSTRY, CONSUMER, AND LAW ENFORCEMENT INTERESTS

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Not surprisingly, the Consumer Electronics Association (CEA) opposes legislation that prohibits the installation or use of mobile video equipment. In its official policy statement, the CEA recommends that TV or video monitors that are placed in view of the driver be installed so that they will only function when the vehicle is in park or when the parking brake is applied. If the monitors are to function without application of the brake, or when the vehicle is in some other gear than park, the CEA recommends installation where they will not be visible to the driver.

Most monitors are equipped with the safety features noted by the CEA, and only function when the vehicle is in park or the parking brake is applied, in effect, preventing their operation when the car is moving. Sources point out, however, that the safety features are easy to bypass, and safety circumventions of this type are not uncommon in vehicles where consumers have installed the devices themselves.

Other in-vehicle electronic devices, such as those installed to aid in navigation, actually enhance driving safety because they lessen the dependence on maps and road signs for directions, industry and consumer groups maintain, leaving drivers free to concentrate on the road. Many state laws exempt such systems from the driver visibility prohibitions applied to other electronic equipment.

Despite the increased regulation, mobile electronics sales are booming. According to an article posted in the *Christian Science Monitor*, sales of in-vehicle DVD players in 2003 increased 50 percent from 2002 sales figures, with 180,000 of the devices sold at a price of \$2,000 to \$4,000 apiece.<sup>6</sup> Industry representatives predict that in the future, drivers will not only be reminded electronically to pump the vehicle's tires and change the oil, but they will also be able to check real-time stock quotes and weather, all from a small dashboard screen.

Industry officials contend that there is no need to craft new legislation every time a mobile electronic device is introduced because most states already have distracted driving laws. Law enforcement personnel agree with this argument in theory, but point out that in practice, proving that a driver is distracted is very difficult. According to Captain Allen Storey, Alaska State Troopers, most people involved in car crashes do not volunteer details, such as that they were talking on their cell phone, when accidents occur.<sup>7</sup> As such, the devices are easier to regulate than the behavior, Captain Storey notes.

Alaska Administrative Code could be amended to include prohibitions for the placement of DVD players and other in-vehicle entertainment devices, following proper administrative procedures. Captain Storey indicates that the State Troopers would recommend that motorists violating the regulation be fined. If, however, a driver causes an accident and is subsequently discovered to have violated the regulation, Captain Storey believes stiffer penalties should apply.

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I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

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<sup>6</sup> Eric C. Everts, "New Perks in Driver's Seat: Films on DVD," *Christian Science Monitor*, August 6, 2004. We include a copy of this article as Attachment F.

<sup>7</sup> Captain Allen Storey can be reached at (907) 269-5682.



Station: PO Box 231110, Anchorage, Alaska 99523-1110  
Physical: 807 Green 231110, Anchorage, Alaska 99523-1110  
Business Office: 800 Greenwood Dr., Anchorage, Alaska 99518

"Going Your Way 24 Hours a Day"

Dear: Representative Gruenberg

We are in the taxicab dispatch business in Anchorage Alaska and are afraid this proposed bill will put our company out of business. We are the largest taxicab dispatch company in Alaska and cannot do it without our computerized digital dispatch system. Since installation of our system the crimes committed against taxicab drivers in Anchorage has significantly declined. The car accident rates have also declined. Overall it has made cabs in Anchorage safer and more efficient.

I drafted a possible way to amend HE 12 so it will not restrict commercial vehicles utilizing computerized digital dispatch systems for package and passenger service. I think the intent of this bill is to prevent the viewing of DVDs the internet or video technology from distracting the driver of vehicles in motion. I feel this is a worthwhile bill as long as it does not prevent established commercial businesses to use custom designed digital dispatch equipment.

Wireless technology is advancing at a very rapid rate. I feel that customers who have this equipment and are willing to use it only in the backseat of a taxicab should be acceptable as long as it is out of view of the driver of the vehicle while the vehicle is in motion. There are a consider amount of riders who do use laptop computers and portable DVD players in taxicabs at this time. I feel it is wise to put a provision in this bill which allows this technology to be used by passengers located "out of the drivers view" in the behind the driver seating of the vehicle.

Below I have authored a draft of a possible amendment to this bill which will give make this bill reasonable for commercial business such as ours:

Computerized equipment used in commercial motor vehicles with the principal design, configuration and function for use in mobile vehicle digital dispatching exclusively for passenger transportation or package delivery service is allowed. Vehicles must be in compliance with all local and state regulated licensing requirements. If computerized equipment contained in commercial vehicles has the capability of two way internet web based video communication and/or has the ability to display copywrited motion video, then this equipment must be configured to blank out the screen from the view of the driver at all times when the vehicle is in motion. All internet based computers and video players intended for passenger use must be used only in seating located behind the driver of the vehicle and the screen must at all times when the vehicle is in motion be kept from the view of the driver.

You may also want to include a requirement for all commercial passenger carrying vehicles to display a sign inside with reads as follows:

**WARNING:** Use of portable computers or video equipment in the view of the driver while vehicle is in motion is prohibited and fineable by law.



Mailing: PO Box 21110, Anchorage, Alaska 99521-1110  
Physical: 6707 Greenwood Dr., Anchorage, Alaska 99518  
Business Office: (907)-562-6805 Dispatch: (907)-229-9999

"Going Your Way 24 Hours a Day"

Your consideration in the needed changes to this bill will be greatly appreciated.

Sincerely, Dean Paul (Co- Owner of Alaska Yellow Cab)

**LESSMEIER & WINTERS**

LAWYERS - LLC

VINTAGE BUSINESS PARK  
3000 VINTAGE BOULEVARD  
SUITE 100  
JUNEAU, ALASKA 99801

MICHAEL L. LESSMEIER  
GREGORY W. LESSMEIER  
SHELDON E. WINTERS

TELEPHONE: (907) 796-4999  
FACSIMILE: (907) 796-4998  
E-MAIL: l-w@gcl.net

VIA HAND DELIVERY

February 2, 2007

The Honorable Carl Gatto  
Alaska House of Representatives  
State Capitol, Room 108  
Juneau, Alaska 99801-1182

The Honorable Max Gruenberg  
Alaska House of Representatives  
State Capitol, Room 110  
Juneau, Alaska 99801-1182

Re: House Bill 88

Dear Representative Gatto and Representative Gruenberg:

State Farm Insurance supports House Bill 88. If there is any information or assistance we can provide in getting this legislation passed, please let me know. Thank you for sponsoring this bill.

Sincerely,



---

Sheldon E. Winters  
Lobbyist for State Farm Insurance Companies



February 23, 2007

Representative Max Gruenberg  
House of Representatives  
Alaska Legislature  
State Capitol, Room 110  
Juneau, AK 99801-1182

Re: SUPPORT: CS HB 88 (STA)

Dear Representative Gruenberg:

The recent explosion in popularity of television and LCD screens for both entertainment purposes as well as tracking automobile performance and navigation has created the need to reexamine the use of these devices in motor vehicles from a safety versus convenience perspective. RVIA believes that H.B. 88 provides a good balance between safety and convenience for the people of Alaska.

H.B. 88 takes into account the fact that RVs are used differently than other motor vehicles. Because RVs serve a dual purpose, they are designed to be both a motor vehicle and a temporary living facility. Occasionally, RV interiors are laid out with a television at the front of the coach. These televisions are used exclusively when the RV is parked and is serving as a temporary vacation home. Thus, RVIA supports the provisions of H.B. 88 that allow for televisions forward of the driver's seat so long as that TV is equipped with a device that renders the TV inoperable while the vehicle is under way. Again, H.B. 88 achieves the balance of safety while driving with convenience while parked on an RV vacation.

As I am sure you are aware, adventurous Americans who take RV vacations represent a large and important type of tourism in Alaska. RVers spent an estimated \$3.8 billion in local American communities from May through August of 2004 camping, visiting state and national parks, attending sporting events, visiting relatives and taking other forms of vacation while staying in their RVs. H.B. 88 allows for the boost to local economies that RV tourism brings.

RV enthusiasts were also pioneers in the global positioning satellite (GPS) phenomenon. RV manufacturers and dealers have been installing GPS in RVs for nearly 10 years and according to National Highway Traffic Safety Administration (NHTSA) Fatal Accident Reports (FARs) statistics, RVers have continued to be the safest drivers on the road during this time. GPS devices allow all drivers to reach their destination with more accuracy, efficiency and safety. H.B. 88 exempts GPS devices as well as screens that only report vehicle information such as miles per gallon being consumed and temperature in the cabin from prohibitions against video screens in the view of the driver.

The language contained in H.B. 88 has the enthusiastic support of RVIA and the entire RV industry. We urge swift passage of this good public policy which will make Alaska's roads safer and also make Alaskan RV vacations both safer and more convenient for the 30 million American RV owners and renters.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Wald", is written over a horizontal line.

Matt Wald

Director of Government Affairs

**RECREATION VEHICLE INDUSTRY ASSOCIATION**

1896 Preston White Dr. Reston, VA 20191-4363 P.O. Box 2999 Reston, VA 20195-0999 Tel: 703/620-6003 Fax: 703/620-5071 www.rvia.org

**Norman Cohen**

---

**From:** Matt Wald [mwald@rvia.org]  
**Sent:** Wednesday, February 28, 2007 10:17 AM  
**To:** Norman Cohen  
**Subject:** RE: RVIA support of HB 88

RVIA has reviewed and strongly supports CS HB 88 ( ) Version K.



February 23, 2007

Representative Carl Gatto  
House of Representatives  
Alaska Legislature  
State Capitol, Room 108  
Juneau, AK 99801-1182

Chairman  
J. MORTON, Jr.  
Nissan

President  
M. STANTON

VEHICLE  
MANUFACTURERS

- Aston Martin
- Ferrari/Maserati
- Honda
- Hyundai
- Isuzu
- Kia
- Mitsubishi
- Nissan
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- Renault
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AFFILIATES  
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Bosch  
Delphi  
Denso  
Hitachi  
JAMA  
Yazaki

Representative Max Gruenberg  
House of Representatives  
Alaska Legislature  
State Capitol, Room 110  
Juneau, AK 99801-1182

Dear Representatives Gatto and Gruenberg:

Re: **SUPPORT: CS HB 88 (STA)**

I am writing on behalf of the Association of International Automobile Manufacturers, Inc., (AIAM) which is a trade association representing 14 motor vehicle manufacturers accounting for over 40 percent of all light duty vehicles produced annually in the United States.

AIAM members have invested over \$36 billion in U.S.-based production facilities, have a combined domestic production capacity of 3.7 million vehicles, directly employ over 95,000 Americans, and generate additional U.S. jobs in dealerships and supplier industries nationwide. AIAM members include Aston Martin, Ferrari, Honda, Hyundai, Isuzu, Kia, Maserati, Mitsubishi, Nissan, Peugeot, Renault, Subaru, Suzuki and Toyota. AIAM also represents original equipment suppliers and other automotive-related trade associations.

I am pleased to inform you that AIAM supports CS HB 88(STA) as approved by the House State Affairs Committee. This "screen device" bill will help prevent distracted driving while at the same time allowing drivers to use important technology like navigation systems, vehicle information displays and exterior view monitors which can assist drivers.

Please contact Michael Cammisa of my staff if you have further questions or need additional information about AIAM's position on CS HB 88(STA). Thank you for your consideration of AIAM's views.

Sincerely,

Michael J. Stanton  
President & CEO

**Norman Cohen**

---

**From:** Michael X. Cammisa [MCammisa@AIAM.ORG]  
**Sent:** Tuesday, February 27, 2007 1:19 PM  
**To:** Norman Cohen  
**Subject:** AIAM Supports CS HB 88 version K

Norman –

I reviewed version K of CS HB 88 that I received today via fax. AIAM does not object to the changes that have been made in comparison to CS HB 88 (STA) as approved by the House State Affairs Committee. Therefore AIAM supports version K of CS HB 88 for the same reasons as indicated in our letter of February 23, 2007 supporting CS HB 88 (STA).

If you need additional information or a more formal letter, please let me know.

Best regards,  
Mike

*Michael Cammisa  
Director, Safety  
Association of International Automobile Manufacturers, Inc.  
2111 Wilson Boulevard, Suite 1150  
Arlington, Virginia 22201  
703/247-2105 (direct)  
703/525-7788 (main)*



The Web Site of The Sacramento Bee

This story is taken from **Sacbee / News**.

## Laptop use while driving blamed for fatal crash

**Bee Metro Staff -**

***Published 12:00 am PST Tuesday, February 27, 2007***

A 28-year-old Chico man was killed Monday after he lost control of his car while working on his laptop computer while driving, according to the California Highway Patrol.

"We have reason to believe he was operating his laptop because it was still on and plugged into the cigarette lighter," said CHP Cmdr. Scott Silsbee.

Shortly after 8:35 a.m., the CHP received a report of a head-on crash on Highway 99 south of Yuba City between O'Banion Road and Highway 113.

The crash closed lanes in both directions for nearly two hours and traffic was diverted to alternate routes while a helicopter transported an injured couple to Rideout Hospital and work crews cleared the debris.

The name of the Chico man, who was driving a Toyota Corolla, was not released pending the notification of his relatives.

According to officers, Michael Layson and his wife, Christine, both 39, were southbound at the speed limit in their Hummer.

A driver of a southbound Honda told officers the northbound Toyota veered into his path and that he had to slow and swerve to avoid it. The Hummer, which was directly behind the Honda, slammed into the Toyota.

The Laysons, who live in Yuba City, were treated and released from the hospital with bumps and bruises, Silsbee said.

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⊕ **13 AAC 04.260. Television receivers and headsets**

⊕ (a) A motor vehicle driven in this state may not be equipped with television-type receiving equipment located where the viewer or screen is visible from the driver's seat.

(b) A driver of a motor vehicle may not wear a headset, headphones, or other headgear designed for receiving sound and transmitting sound to the driver, or wear ear plugs or a similar device which reduces the driver's hearing ability while driving a vehicle.

(c) This section does not prohibit the use of television-type or headgear-receiving equipment used exclusively for safety or law enforcement purposes, used for and designed to improve a driver's hearing ability, or navigational devices such as Global Positioning System (GPS) or Loran.

⊕ **History: Eff. 12/31/69, Register 31; am 6/28/79, Register 70; am 2/8/98, Register 145**

⊕ **Authority: AS 28.05.011**



State of California Code regarding televisions and video monitors in motor vehicles

27602. (a) A person may not drive a motor vehicle if a television receiver, a video monitor, or a television or video screen, or any other, similar means of visually displaying a television broadcast or video signal that produces entertainment or business applications, is operating and is located in the motor vehicle at any point forward of the back of the driver's seat, or is operating and visible to the driver while driving the motor vehicle.

(b) Subdivision (a) does not apply to the following equipment when installed in a vehicle:

(1) A vehicle information display.

(2) A global positioning display.

(3) A mapping display.

(4) A visual display used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle.

(5) A television receiver, video monitor, television or video screen, or any other, similar means of visually displaying a television broadcast or video signal, if that equipment has an interlock device that, when the motor vehicle is driven, disables the equipment for all uses except as a visual display as described in paragraphs (1) to (4), inclusive.

(6) A mobile digital terminal installed in a vehicle owned or operated by an electrical corporation, as defined in Section 218 of the Public Utilities Code, a local publicly owned electric utility, as defined in Section 9604 of that code, a gas corporation, as defined in Section 222 of that code, or a telephone corporation, as defined in Section 234 of that code, if the mobile digital terminal is fitted with an opaque covering that does not allow the driver to view any part of the display while driving, even though the terminal may be operating.

(c) Subdivision (a) does not apply to a mobile digital terminal installed in an authorized emergency vehicle or to a motor vehicle providing emergency road service or roadside assistance.

(d) Subdivision (a) does not apply to a mobile digital terminal installed in a vehicle owned or operated by an electrical corporation, as defined in Section 218 of the Public Utilities Code, a local publicly owned electric utility, as defined in Section 9604 of that code, a gas corporation, as defined in Section 222 of that code, or a telephone corporation, as defined in Section 234 of that code, when the vehicle is deployed in an emergency to respond to an interruption or impending interruption of electrical, natural gas, or telephone service.