

HB

88

Norm

How many witnesses
have we to testify today
& who are they?

My

- 1) Mike Cammisa - International Auto
Mechanics Ass'n
- 2) Jay Lerner - Recreational Veh Ass'n
- 3) Martha Moore - DHSS
- 4) Cindy Casken - DOT

These people have now come
twice. Can they testify today.
THX. Mep

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 88(), Draft Version "C"

1 Page 1, line 1, following "Act":

2 Insert "relating to provisional drivers licenses and use of wireless telephones;"

3

4 Page 1, following line 3:

5 Insert a new bill section to read:

6 **** Section 1.** AS 28.15.057(b) is amended to read:

7 (b) A person authorized to drive a motor vehicle under a provisional driver's
8 license issued under AS 28.15.055 may not

9 (1) operate a motor vehicle that is carrying any passengers

10 (A) except a passenger who is a parent, legal guardian, sibling,
11 or a person at least 21 years of age; or

12 (B) unless at least one of the passengers is a parent, legal
13 guardian, or person at least 21 years of age; [OR]

14 (2) operate a motor vehicle between the hours of 1:00 a.m. and 5:00
15 a.m., except when the person is

16 (A) accompanied by a parent, legal guardian, or a person at
17 least 21 years of age who is licensed to drive the type or class of vehicle being
18 used; or

19 (B) driving to or from the person's place of employment or
20 within the scope of the person's employment and the driving is along the most
21 direct available route; or

22 (3) use a wireless telephone or wireless personal digital assistant
23 while operating a motor vehicle."

- 1
- 2 Page 1, line 4:
- 3 Delete "**Section 1**"
- 4 Insert "**Sec. 2**"
- 5
- 6 Renumber the following bill section accordingly.

25-LS0312C
Luckhaupt
2/12/07

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to televisions, monitors, portable computers, and similar devices in**
2 **motor vehicles; and providing for an effective date."**

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

4 *** Section 1. AS 28.35 is amended by adding a new section to read:**

5 **Sec. 28.35.161. Driving a motor vehicle with a screen device operating;**
6 **unlawful installation of television, monitor, or similar device. (a) A person**
7 **commits the crime of driving with a screen operating if the person is driving ^athe motor**
8 **vehicle and ^adevice**

9 **(1) ~~the~~**
10 **(A) ^{the}a vehicle has, temporarily or permanently installed in the**
11 **vehicle or using power from the vehicle, a television, video monitor, portable**
12 **computer, or any other similar means to create a visual display visible to the**
13 **person while the person is driving the motor vehicle; and**

14 **(B) ^{the}a monitor or visual display is operating while the person is**

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driving; or

(2) ^{the person} is watching a program or reading from the ^{visual} display on a portable cellular telephone or personal data assistant.

(b) A person may not install or alter equipment described in (a)(1)(A) of this section that allows the display to be visible to the driver while the vehicle is in motion.

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

(1) portable cellular telephones or personal data assistants being used for verbal communication;

(2) equipment that is displaying only

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

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

(C) navigation or global positioning;

(D) maps;

(E) visual information to enhance or supplement the driver's view forward, behind, or to the sides of the motor vehicle for the purpose of maneuvering the vehicle;

(F) vehicle dispatching and response information for motor vehicles providing emergency road service or roadside assistance; or

(G) vehicle dispatching information for passenger transport or freight or package delivery.

(d) Subsections (a) and (b) of this section do not apply to ^{devices and} equipment ~~installed~~ in an emergency vehicle. In this subsection, "emergency vehicle" means a police, fire, or emergency medical service vehicle.

(e) It is an affirmative defense to a prosecution under (b) of this section that the equipment installed or altered ~~also~~ includes a device that, when the motor vehicle is being driven, disables the equipment for all uses except those described in (c) ⁽²⁾ of this 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;

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(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. This Act takes effect September 1, 2007.

AMENDMENT

OFFERED IN THE HOUSE
TO: HB 88

BY REPRESENTATIVE GRUENBERG

Page 2, line 4

Add "or other hand held device" after "portable cellular telephones."

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: HB 88

- 1 Page 1, lines 9 - 10:
- 2 Delete ", temporarily or permanently installed in the vehicle or using power from the
- 3 vehicle,"



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Business Office: (907)-562-6605 Dispatch: (907)-221-0999

"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)



⊕ **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



LESSMEIER & WINTERS

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VIA HAND DELIVERY

February 2, 2007

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

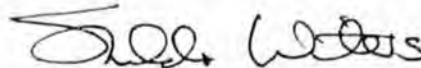
The Honorable Max Gruenberg
Alaska House of Representatives
State Capitol, Room 110
Juneau, Alaska 99801-1182

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

SEW/caf

Gatto-Gruenberg HB88...pd

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.¹ 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."² 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—

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

² 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.

STATE LAWS ON IN-VEHICLE TELEVISIONS, DISTRACTIONS

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.³ 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.⁴

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 \$100.⁵

³ We include a copy of the list as Attachment B.

⁴ Matt Sundeen can be reached at (303) 364-7700.

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

INDUSTRY, CONSUMER, AND LAW ENFORCEMENT INTERESTS

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.⁶ 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.⁷ 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.

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

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

⁷ Captain Allen Storey can be reached at (907) 269-5682.

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 **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.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: HB088-LAW-CJL-2-6-07
 Bill Version: HB 88
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title An Act relating to TV's and monitors in motor vehicles. RDU Criminal
 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						
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 (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 Phone 465-5427
 Division Administrative Services Division Date/Time 2/6/07 7:20 AM
 Approved by: Robert Meiners for Talis Colberg, Attorney General Date 2/6/2007
 Agency Department of Law

Alaska State Legislature

House of Representatives



Official Business

State Capitol
Juneau, AK 99801-1182

Representative Carl Gatto

Representative Max Gruenberg

Sponsor Statement and Sectional Analysis

HB 88 – 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. The changes that were discussed in the Senate State Affairs Committee, when the bill died, are highlighted in the bill and italicized below.

Sectional Analysis

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

Paragraph (a) sets forth the general rules that a person shall not drive a motor vehicle while watching television or video. The elements of the crime of "driving with a screen operating" are enumerated. *New language is added that includes equipment creating a visual display that is temporarily or permanently installed or is using power from the vehicle.*

Paragraph (b) prohibits installing or altering a video display in a motor vehicle that can be viewed by the driver while the vehicle is moving. This paragraph goes on to provide for specific means of disabling the equipment lawfully.

Paragraph (c) provides specific exemptions to the general rule including cell phones and equipment that is in the nature of aides to navigation or operation. *New language is added that exempts vehicle dispatching and response information for motor vehicles providing emergency road service or roadside assistance, and for vehicle dispatching information for freight or package delivery motor vehicles.*

Paragraph (d) makes it clear that the bill is not intended to cover equipment installed in an emergency vehicle. *New language defines emergency vehicle as a police, fire or*

emergency medical service vehicle. To close a potential loophole, other motor vehicles providing emergency road service or roadside assistance has been dropped from this paragraph.

Paragraph (e) establishes an affirmative defense so long as proper equipment is installed.

Paragraph (f) prescribes the types of crimes that a person who is in violation of the law will face under various circumstances including injury and death of another.

A person who violates the law is guilty of a

- 1) class A misdemeanor;
- 2) class C felony if as a result of that violation another person suffers a physical injury;
- 3) class B felony if as a result of that violation another person suffers a serious physical injury;
- 4) class A felony if as a result of that violation another person suffers death.

Paragraph (g) prescribes the crime and punishment of a person who installs equipment in violation of the law.

Section 2 of the bill sets forth an effective date of September 1, 2007.

Alaska State Legislature

House of Representatives



Official Business

State Capitol
Juneau, AK 99801-1182

Representative Carl Gatto

Representative Max Gruenberg

MEMORANDUM

Date: January 30, 2007

To: Representative Bob Lynn
House State Affairs Committee

From: Representative Max Gruenberg
Representative Carl Gatto

Re: House Bill 88

We respectfully request that House Bill 88, "An act relating to televisions, monitors, portable computers, and similar devices in motor vehicles," be scheduled for hearing in the House State Affairs Committee at your earliest possible convenience.

Enclosed please find:

- The most recent version of the bill
- Sponsor statement
- Sectional analysis
- List of recommended witnesses or interested parties
- Additional background materials

We thank you.

Alaska State Legislature

Chairman
State Affairs Committee

Vice-Chairman
Economic Development, Trade & Tourism
Committee

Member
Judiciary Committee
Joint Armed Services Committee

Finance Subcommittees
Corrections
Labor and Workforce Development
Military and Veterans' Affairs
Public Safety



A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

E-Mail: Representative_Bob_Lynn@legis.state.ak.us
"Bob Lynn's Alaska Blog" RepBobLynnBlog.com

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Juneau, AK 99801-1182

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Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207

FAX

February 20, 2007

To: Legal Services

Fax #: 2029

From: Nancy Manly x2794
Alaska State Capitol, room 104
Juneau, AK 99801-1182

of Pages (including cover): 1

Phone: 907-465-4931

Fax: 907-465-4316

Re: State Affairs Final CS for HB 88

Please draft a final CS for HB 88. The committee adopted a CS for House Bill 88 Version E (25-LS0312E). Thanks.

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: HB 88

- 1 Page 1, lines 9 - 10:
- 2 Delete ", temporarily or permanently installed in the vehicle or using power from the
- 3 vehicle."



Stalling, PO Box 21110, Anchorage, Alaska 99521-1110
Physical 6707 Greenwood Dr, Anchorage, Alaska 99518
Business Office (907) 562-6803 Dispatch (907) 520-0000

"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 HB12 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.



Mailings: PO Box 211110, Anchorage, Alaska 99521-1110
Physical: 6707 Greenwood Dr. Anchorage, Alaska 99518
Business Office: (907)-562-8805 Dispatch: (907)-929-9999

"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)



⊕ **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



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VIA HAND DELIVERY

February 2, 2007

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

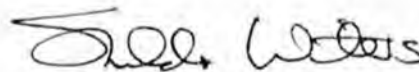
The Honorable Max Gruenberg
Alaska House of Representatives
State Capitol, Room 110
Juneau, Alaska 99801-1182

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

SEW/caf

Gatto-Gruc. rg HB88 wpl

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.¹ 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."² 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—

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

² 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.

STATE LAWS ON IN-VEHICLE TELEVISIONS, DISTRACTIONS

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.³ 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.⁴

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 \$100.⁵

³ We include a copy of the list as Attachment B.

⁴ Matt Sundeen can be reached at (303) 364-7700.

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

INDUSTRY, CONSUMER, AND LAW ENFORCEMENT INTERESTS

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.⁶ 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.⁷ 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.

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

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

⁷ Captain Allen Storey can be reached at (907) 269-5682.

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.

Motor vehicle image display devices.

(1) As used in this section, "image display device" means equipment capable of displaying to the driver of a motor vehicle:

(a) A broadcast television image; or

(b) A visual image from a digital video disc or other storage device.

(2) Except as provided in subsection (4) of this section, a person commits the offense of unlawful use of an image display device if the person drives a motor vehicle on a public roadway while viewing a broadcast television image or a visual image from an image display device.

(3) Except as provided in subsection (4) of this section, a person may not install in a motor vehicle an image display device intended to display images visible to a driver in a normal driving position when the vehicle is in motion.

(4) Subsection (2) and (3) of this section do not apply to:

(a) Emergency vehicles; or

(b) Image display devices that are displaying images that provide the driver with navigation and related traffic, road, and weather information; or

(c) Image display devices providing vehicle information or information related to the driving task; or

(d) Image display devices used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle; or

(e) Image display devices that permit the driver to monitor vehicle occupants seated rearward of the driver; or

(f) Any use of an image display device while a vehicle is parked.

2000-2005 Statewide Driver Inattention Crash Statistics

2000 Crashes Related Directly to Driver Distraction

Driver Type	Total
All Drivers	1955
Teenagers	434

Per Times of Day

0100-0300	39
0301-0500	27
0501-0700	21
0701-0900	140
0901-1100	143
1101-1300	221
1301-1500	300
1501-1700	349
1701-1900	349
1901-2100	158
2101-2300	95
2301-0059	73

2001 Crashes Related Directly to Distraction

Driver Type	Total
All Drivers	2133
Teenagers	447

Per Times of Day

0100-0300	56
0301-0500	33
0501-0700	24
0701-0900	172
0901-1100	142
1101-1300	268
1301-1500	351
1501-1700	379
1701-1900	334
1901-2100	146
2101-2300	121
2301-0059	59

2002 Crashes Related Directly to Distraction

Driver Type	Total
All Drivers	2417
Teenagers	545

Per Times of Day

0100-0300	50
0301-0500	42
0501-0700	42
0701-0900	179
0901-1100	143
1101-1300	269
1301-1500	367
1501-1700	481
1701-1900	443
1901-2100	168
2101-2300	105
2301-0059	80

2002 Crashes Related Directly to Driver Cell Phone Use

Driver Type	Total
All Drivers	53
Teenagers	14

Per Times of Day

00-0300	3
0301-0500	1
0501-0700	1
0701-0900	4
0901-1100	4
1101-1300	2
1301-1500	11
1501-1700	9
1701-1900	5
1901-2100	3
2101-2300	5
2301-0059	8

2003 Crashes Related Directly to Cell Phone Use

Driver Type	Total
All Drivers	55
Teenagers	18

Per Times of Day

0100-0300	2
0301-0500	1
0501-0700	0
0701-0900	3
0901-1100	1
1101-1300	6
1301-1500	6
1501-1700	6
1701-1900	11
1901-2100	7
2101-2300	7
2301-0059	5

2004 Crashes Related Directly to Cell Phone Use

Driver Type	Total
All Drivers	58
Teenagers	13

Per Times of Day

0100-0300	4
0301-0500	1
0501-0700	1
0701-0900	3
0901-1100	6
1101-1300	6
1301-1500	6
1501-1700	7
1701-1900	7
1901-2100	6
2101-2300	3
2301-0059	4

2003 Crashes Related Directly to Distraction

Driver Type	Total
All Drivers	2558
Teenagers	530

Per Times of Day

0100-0300	52
0301-0500	30
0501-0700	45
0701-0900	172
0901-1100	140
1101-1300	338
1301-1500	412
1501-1700	515
1701-1900	458
1901-2100	181
2101-2300	108
2301-0059	83

2004 Crashes Related Directly to Distraction

Driver Type	Total
All Drivers	2241
Teenagers	473

Per Times of Day

0100-0300	52
0301-0500	23
0501-0700	48
0701-0900	188
0901-1100	169
1101-1300	289
1301-1500	350
1501-1700	384
1701-1900	358
1901-2100	157
2101-2300	110
2301-0059	89

2005 Crashes Related Directly to Cell Phone Use

Driver Type	Total
All Drivers	59
Teenagers	23

Per Times of Day

0100-0300	4
0301-0500	1
0501-0700	1
0701-0900	0
0901-1100	5
1101-1300	3
1301-1500	10
1501-1700	9
1701-1900	18
1901-2100	4
2101-2300	6
2301-0059	0

2005 Crashes Related Directly to Distraction

Driver Type	Total
All Drivers	2108
Teenagers	418

Per Times of Day

0100-0300	42
0301-0500	32
0501-0700	58
0701-0900	172
0901-1100	135
1101-1300	291
1301-1500	340
1501-1700	382
1701-1900	335
1901-2100	132
2101-2300	86
2301-0059	64

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 88(), Draft Version "C"

1 Page 1, line 1, following "Act":

2 Insert "relating to provisional drivers licenses and use of wireless telephones;"

3

4 Page 1, following line 3:

5 Insert a new bill section to read:

6 **** Section 1. AS 28.15.057(b) is amended to read:**

7 (b) A person authorized to drive a motor vehicle under a provisional driver's
8 license issued under AS 28.15.055 may not

9 (1) operate a motor vehicle that is carrying any passengers

10 (A) except a passenger who is a parent, legal guardian, sibling,
11 or a person at least 21 years of age; or

12 (B) unless at least one of the passengers is a parent, legal
13 guardian, or person at least 21 years of age; [OR]

14 (2) operate a motor vehicle between the hours of 1:00 a.m. and 5:00
15 a.m., except when the person is

16 (A) accompanied by a parent, legal guardian, or a person at
17 least 21 years of age who is licensed to drive the type or class of vehicle being
18 used; or

19 (B) driving to or from the person's place of employment or
20 within the scope of the person's employment and the driving is along the most
21 direct available route; or

22 **(3) use a wireless telephone or wireless personal digital assistant**
23 **while operating a motor vehicle."**

1

2 Page 1, line 4:

3 Delete "Section 1"

4 Insert "Sec. 2"

5

6 Renumber the following bill section accordingly.

AMENDEMENT

OFFERED IN THE HOUSE

TO: CSHB 88, Draft Version "C"

"AS 28.15.051(a) is amended to add at the end of the subsection to read:

The permittee shall not use a wireless telephone or wireless personal digital assistant while operating a vehicle."

2007 Bills relating to cell phone use and teen drivers

Missouri HB 609

Requires every school district to offer a driver's education course available to students 15 years of age or older and prohibits cell phone use by temporary permit or intermediate license holders.

Representative Judy Baker (D)

01/25/2007 - Introduced and read first time in House. 01/29/2007 - Read second time.

North Dakota HB 1196

Prohibits minors from operating a motor vehicle while using a cell phone.

Rep. Lawrence Klemin (R) et. al.

Introduced 1/5/07. To House Transportation Committee 1/5/07.

Vermont HB 85

Prohibits the use of cellular telephones by a person operating a motor vehicle with a learner permit or junior operator license.

Representative Sue Minter (D)

1/18/07 - Introduced. 1/19/07 - Referred to House Judiciary Committee.

Virginia HB 1876

Prohibits the use of all wireless phones by holders of provisional licenses, learner's permits and motorcycle license permits while operating motor vehicles. Provides exceptions for emergencies, when the vehicle is parked or when the vehicle is stationary.

Rep. C. Charles Clapton (D)

Introduced 1/4/07

Arkansas SB 19

Prohibits any driver under age 18 from using a phone while operating a motor vehicle. Enforced as a secondary offense.

Warnings for a first offense, \$50 fines for subsequent offenses.

Sen. Kim Hendren (R)

Introduced 1/8/07. To Senate Transportation, Technology and Legislative Affairs Committee 1/8/07.

Georgia HB 4

Prohibits holders of instruction permits or Class D licenses from using any phone while operating a motor vehicle.

Rep. Mary Oliver (D)

Introduced 1/8/07.

Maine LD 161

Prohibits a person under the age of 18 from using a mobile telephone while operating a motor vehicle.

Rep. George Hogan (D)

Referred to the Committee on Transportation on 1/16/07.

Utah HB 217

Prohibits a person younger than 18 years of age from using a wireless telephone while operating a motor vehicle; provides exceptions; provides that it is an infraction for violating the prohibition; provides it is a reportable violation and requires the Driver License Division to assess points against a person's driving record for being convicted of violating prohibition.

Representative Kory Holdaway (R)

1/15/2007 - Introduced. 1/17/2007 To standing committee on Transportation. 1/23/2007 - House Transportation Committee recommended amendment, recommendation favorable.

California SB 33

Prohibits a holder of an instructional permit, student license or a provisional license from driving a motor vehicle while operating a mobile telephone. The bill does not exempt hands-free mobile telephones. Also prohibits a police officer from pulling over a driver for the sole purpose of determining if the driver is violating the provision.

Sen. Joe Simitian (D)

Referred to the Senate Committee on Transportation and Housing

Illinois HB 559

Provides that a person under the age of 19 years may not drive a vehicle on a roadway while using a wireless phone. Provides that a violation is a petty offense punishable by a fine of \$100.

Rep. Bob Rita (D)

Assigned to Drivers Education and Safety Committee on 2/7/07

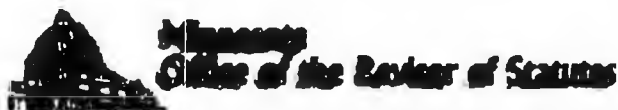
In 2006 there were a few bills that were passed that may be of some interest to you:

Minnesota HF 2656

North Carolina SB 1289 (Prohibits drivers 18 years and younger from using mobile phone technology.)

Rhode Island HB7372, SB 2451 (prohibits minors from operating a motor vehicle while on a cell phone.)

West Virginia SB 219 (Prohibits drivers with an instruction permit or provisional license from using a phone while driving. Provides emergency exception).



171.05, Minnesota Statutes 2006

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171.05 INSTRUCTION PERMIT.

Subdivision 1. Person 18 or more years of age. (a) Any person who is 18 or more years of age and who, except for a lack of instruction in operating a motor vehicle, would otherwise be qualified to obtain a class D driver's license under this chapter, may apply for an instruction permit and the department shall issue the permit. The instruction permit entitles the applicant to drive a motor vehicle for which a class D license is valid upon the highways for a period of two years if the permit holder:

- (1) has the permit in immediate possession; and
 - (2) is driving the vehicle while accompanied by an adult licensed driver who is actually occupying a seat beside the driver.
- (b) Any license of a lower class may be used as an instruction permit to operate a vehicle requiring a higher class license for a period of six months after passage of the written test or tests required for the higher class and when the licensee is accompanied by and receiving instruction from a holder of the appropriate higher class license. A copy of the record of examination taken for the higher class license must be carried by the driver while using the lower class license as an instruction permit.

Subd. 1a. Minimum period to possess instruction permit. An applicant who has received an instruction permit under subdivision 1 and has not previously been licensed to drive in Minnesota or in another jurisdiction must possess the instruction permit for not less than six months for an applicant who is 18 years of age, and not less than three months for all other applicants, before qualifying for a driver's license. An applicant with an instruction permit from another jurisdiction must be credited with the amount of time that permit has been held.

Subd. 1b. Instruction permit not issued. Notwithstanding subdivision 1, the commissioner shall not issue an instruction permit to a person under age 18 if the person has ever been convicted of a violation of section [169A.20](#), [169A.33](#), or [169A.35](#); a violation of a provision of sections [169A.50](#) to [169A.53](#); or a crash-related moving violation.

Subd. 2. Person less than 18 years of age. (a) Notwithstanding any provision in subdivision 1 to the contrary, the department may issue an instruction permit to an applicant who is 15, 16, or 17 years of age and who:

- (1) has completed a course of driver education in another state, has a previously issued valid license from another state, or is enrolled in either:
 - (i) a public, private, or commercial driver education program that is approved by the commissioner of public safety and that includes classroom and behind-the-wheel training; or
 - (ii) an approved behind-the-wheel driver education program when the student is receiving full-time instruction in a home school within the meaning of sections [120A.22](#) and [120A.24](#), the student is working toward a homeschool diploma, the student's status as a homeschool student has been certified by the superintendent of the school district in which the student resides, and the student is taking home-classroom driver training with classroom materials approved by the commissioner of public safety;
- (2) has completed the classroom phase of instruction in the driver education program;
- (3) has passed a test of the applicant's eyesight;
- (4) has passed a department-administered test of the applicant's knowledge of traffic laws;
- (5) has completed the required application, which must be approved by (i) either parent when

both reside in the same household as the minor applicant or, if otherwise, then (ii) the parent or spouse of the parent having custody or, in the event there is no court order for custody, then (iii) the parent or spouse of the parent with whom the minor is living or, if items (i) to (iii) do not apply, then (iv) the guardian having custody of the minor or, in the event a person under the age of 18 has no living father, mother, or guardian, or is married or otherwise legally emancipated, then (v) the applicant's adult spouse, adult close family member, or adult employer; provided, that the approval required by this clause contains a verification of the age of the applicant and the identity of the parent, guardian, adult spouse, adult close family member, or adult employer; and (6) has paid the fee required in section 171.06, subdivision 2.

(b) The instruction permit is valid for two years from the date of application and may be renewed upon payment of a fee equal to the fee for issuance of an instruction permit under section 171.06, subdivision 2.

Subd. 2a. Permit for six months. (a) An applicant who has applied for and received an instruction permit pursuant to subdivision 2 must possess the instruction permit for not less than six months before qualifying for a driver's license.

(b) [Expired]

Subd. 2b. Instruction permit use by person under age 18. (a) This subdivision applies to persons who have applied for and received an instruction permit under subdivision 2.

(b) The permit holder may, with the permit in possession, operate a motor vehicle, but must be accompanied by and be under the supervision of a certified driver education instructor, the permit holder's parent or guardian, or another licensed driver age 21 or older. The supervisor must occupy the seat beside the permit holder.

(c) The permit holder may operate a motor vehicle only when every occupant under the age of 18 has a seat belt or child passenger restraint system properly fastened. A person who violates this paragraph is subject to a fine of \$25. A peace officer may not issue a citation for a violation of this paragraph unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation as defined in section 171.04, subdivision 1. The commissioner shall not record a violation of this paragraph on a person's driving record.

(d) The permit holder may not operate a vehicle while communicating over, or otherwise operating, a cellular or wireless telephone, whether handheld or hands free, when the vehicle is in motion. The permit holder may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed, or in the reasonable belief that a person's life or safety was in danger. Violation of this paragraph is a petty misdemeanor subject to section 169.89, subdivision 2.

(e) The permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions for violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53. If the permit holder drives a motor vehicle in violation of the law, the commissioner shall suspend, cancel, or revoke the permit in accordance with the statutory section violated.

Subd. 3. Motorized bicycle. Notwithstanding any provision in subdivision 1 to the contrary, the department, upon application and payment of the fee prescribed in section 171.02, subdivision 3, may issue a motorized bicycle instruction permit to an applicant who is 15 years of age and who has successfully completed the written portion of the examination prescribed by the commissioner. The holder of this instruction permit who has the permit in possession may operate a motorized bicycle within one mile of the holder's residence for the purpose of practicing to take the operator portion of the examination prescribed by the commissioner.

History: (2720-144b) 1939 c 401 s 5; 1949 c 91 s 1; 1961 c 33 s 1; 1963 c 382 s 2; 1971 c 644 s 7; 1973 c 95 s 1; 1980 c 446 s 1; 1986 c 444; 1986 c 454 s 22; 1987 c 384 art 1 s 19; 1990 c 529 s 6,7; 1996 c 275 s 4; 1996 c 455 art 3 s 25; 1997 c 250 s 8; 1998 c 388 s 10-12; 1999 c 238 art 2 s 24,25; 2000 c 478 art 2 s 7; 2000 c 489 art 6 s 31; 2002 c 371 art 1 s 53; 2004 c 177 s 2; 1Sp2005 c 6 art 3 s 62-64; 2006 c 260 art 2 s 15

Sec. ~~11.81.900~~. Definitions.

(b) In this title, unless otherwise specified or unless the context requires otherwise,

(46) "physical injury" means a physical pain or an impairment of physical condition;

(56) "serious physical injury" means

(A) physical injury caused by an act performed under circumstances that create a substantial risk of death; or

(B) physical injury that causes serious and protracted disfigurement, protracted impairment of health, protracted loss or impairment of the function of a body member or organ, or that unlawfully terminates a pregnancy;

Sec. 28.90.990. Definitions for title.

(a) Unless otherwise specifically defined, or unless the context otherwise requires, in this title and in regulations adopted under this title

(22) "serious physical injury" has the meaning given in AS ~~11.81.900~~(b);

AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 88(), Draft Version "C"

1 Page 1, line 2, following "vehicles;":

2 Insert "relating to the definition of physical injury for the Alaska Uniform Vehicle
3 Code;"

4

5 Page 2, following line 8:

6 Insert a new bill section to read:

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

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

9

10 Renumber the following bill section accordingly.

25-LS0312C
Luckhaupt
2/12/07

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to televisions, monitors, portable computers, and similar devices in
2 motor vehicles; and providing for an effective date."

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

4 * Section 1. AS 28.35 is amended by adding a new section to read:

5 **Sec. 28.35.161. Driving a motor vehicle with a screen device operating;**
6 **unlawful installation of television, monitor, or similar device.** (a) A person
7 commits the crime of driving with a screen operating if the person is driving the motor
8 vehicle and

9 (1) the

10 (A) vehicle has, temporarily or permanently installed in the
11 vehicle or using power from the vehicle, a television, video monitor, portable
12 computer, or any other similar means to create a visual display visible to the
13 person while the person is driving the motor vehicle; and

14 (B) monitor or visual display is operating while the person is

1 driving; or

2 (2) is watching a program or reading from the display on a portable
3 cellular telephone or personal data assistant.

4 (b) A person may not install or alter equipment described in (a)(1)(A) of this
5 section that allows the display to be visible to the driver while the vehicle is in motion.

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

7 (1) portable cellular telephones or personal data assistants being used
8 for verbal communication;

9 (2) equipment that is displaying only

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

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

13 (C) navigation or global positioning;

14 (D) maps;

15 (E) visual information to enhance or supplement the driver's
16 view forward, behind, or to the sides of the motor vehicle for the purpose of
17 maneuvering the vehicle,

18 (F) vehicle dispatching and response information for motor
19 vehicles providing emergency road service or roadside assistance; or

20 (G) vehicle dispatching information for passenger transport or
21 freight or package delivery.

22 (d) Subsections (a) and (b) of this section do not apply to equipment installed
23 in an emergency vehicle. In this subsection, "emergency vehicle" means a police, fire,
24 or emergency medical service vehicle.

25 (e) It is an affirmative defense to a prosecution under (b) of this section that
26 the equipment installed or altered also includes a device that, when the motor vehicle
27 is being driven, disables the equipment for all uses except those described in (c) of this
28 section.

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

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

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(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. This Act takes effect September 1, 2007.