

HB

88

SENATE COMMITTEE REPORT

DATE: 5/12/07

FURTHER: Judiciary

DATE TURNED
IN TO OFFICE: _____

State Affairs Committee considered CS FOR HOUSE BILL NO. 88(FIN)

HB 88 TVS AND MONITORS IN MOTOR VEHICLES

"An Act relating to televisions, monitors, portable computers, and similar devices in motor vehicles; relating to the definition of physical injury for the Alaska Uniform Vehicle Code; and providing for an effective date."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:

- Same Title
- New Title

HOUSE BILL:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____


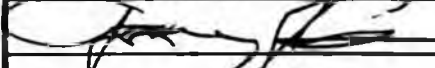
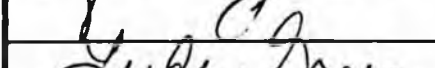
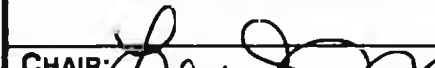
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
LAW	3/6/08			✓	

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
 	 			 	

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
	French				x
	Stebbins			x	
	Green			✓	
CHAIR: 	measure			✓	

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: HB088CS(FIN)-LAW-CRIM-03-06-08
 Bill Version: CSHB088(FIN)
 () Publish Date: _____

Identifier (file name): _____ Dept. Affected: LAW
 Title: An Act relating to TV's and monitors in motor vehicles. RDU: Criminal
 Component: Criminal Justice Litigation
 Sponsor: REPRESENTATIVE(s) GATTO
 Requester: SENATE STATE AFFAIRS Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	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	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

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, Administrative Services Manager
 Division: Administrative Services Division
 Approved by: Talis Colberg, Attorney General
Department of Law

Phone 907-465-5427
 Date/Time 3/6/08 9:45 AM
 Date 3/6/2008

SENATE COMMITTEE REPORT

DATE: 2/27/03

FURTHER:

DATE TURNED
IN TO OFFICE: 03/04/03

State Affairs Committee considered HOUSE BILL NO. 259(efd add)

HB 259 ESTABLISHING ALASKA HISTORY WEEK

"An Act establishing the first week of every March as Alaska History Week; and providing for an effective date."

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____




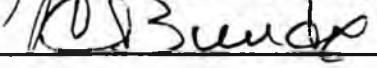

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
	French	x			
	Street	x			
	Green	✓			
	Bundo	✓			
CHAIR: 	McGuire	✓			

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

CSHB 88 (FIN) Version "V" (25-LS0312V) – 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.

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 is in full view 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. The video display must be in the full view of the driver who is in a normal driving position to be in violation of the law. A front seat passenger watching a video display is not a violation of the statute since the display is not in the full view of the driver in a normal driving position while the vehicle is in motion.

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. This paragraph does not prohibit installing or altering a video display that operates only when the vehicle is not in gear.

Paragraph (c) provides specific exemptions for 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, for state and local highway construction and road repair equipment from the general rule prohibiting visual displays in full view of the driver while the vehicle is operating.

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 who violates the law is guilty of a class A misdemeanor, except in cases where injury results;

- 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.

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 16, 2007

FURTHER REFERRALS: Judiciary
Finance

Date of Committee Action: February 20, 2007

The STATE AFFAIRS Committee considered:

HB 88

HOUSE BILL NO. 88

TVS AND MONITORS IN MOTOR VEHICLES

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

Recommends it be replaced with HCS or CS for HB 88 (STA)
For Senate Bills with new title: Technical Title New Title: HCR Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of
Abbrev
for
Depts:
ADM
CED
COR
CRT
EDD
DEC
DPC
GOV
HSS
LEG
LAW
LWF
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES				
<small>*Assigned by Chief Clerk's Office</small>				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
Law				X

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	Johnson	X			
	JOHNSON	X			
	Rose, Bob	X			
	Egan, Ed	-			
	Coghill			✓	
	Dell	X			
Chair:	LYNN	X			
Chair:					

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);

◆ **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

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) 796-4999
E-MAIL: lw@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,

Matt Wald
Director of Government Affairs

RECREATION VEHICLE INDUSTRY ASSOCIATION

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.

AIAM



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

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

VEHICLE
MANUFACTURERS

Aston Martin
Ferrari/Maserati
Honda
Hyundai
Isuzu
Kia
Mitsubishi
Nissan
Peugeot
Renault
Subaru
Suzuki
Toyota

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

AFFILIATES
ADVCS

Bosch
Delphi
Denso
Hitachi
JAMA
Yazaki

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 Metro Staff 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.

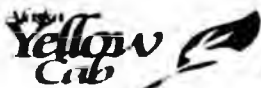
A driver of a southbound Honda told officers the northbound Toyota veered into his path and that he had to slow and swerve to avoid it. The Hummer, which was directly behind the Honda, slammed into the Toyota.

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

Go to: [Sacbee / Back to story](#)

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Phone: (916) 321-1000

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Yellow Cab
1000 W. 11th Ave. Anchorage, Alaska 99501
Phone: (907) 562-1111 Fax: (907) 562-1112
Business Hours: (907) 562-1111 (7 days a week)

"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.

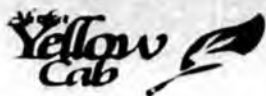
Wireless technology is advancing at a very rapid rate. I feel that customers who have this equipment and are willing to use it only in the backseat of a taxicab should be acceptable as long as it is out of view of the driver of the vehicle while the vehicle is in motion. There are a consider amount of 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.



Alaska Yellow Cab 21110 Anchorage Alaska 99521 1110
Toll-free 1-800-451-1110
Business Office 907-562-0000 Fax 907-562-0000

"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)



CELL PHONES AND HIGHWAY SAFETY



NATIONAL
CONFERENCE
of
STATE
LEGISLATURES

2006 State Legislative Update

By Matt Sundeen

March 2007

In 2006, cell phones in motor vehicles continued to be a significant traffic safety concern for state legislatures. However, although phones in cars grabbed the most headlines, many state lawmakers now have broadened the topic to include a wider variety of driver distractions and potential regulations. This report provides information about cell phones and driving and the larger driver distraction debate. It examines the latest statistics and studies, details relevant laws and legislative activity, and analyzes the most critical issues.

Driver Distraction and Cell Phones

Most experts agree that distracted driving is a substantial problem. According to the National Highway Traffic Safety Administration (NHTSA), in 2005, 43,443 people died and approximately 2.7 million people were injured in an estimated 6.16 million police-reported motor vehicle traffic crashes.¹ NHTSA estimates that each year, motor vehicle crashes cost Americans approximately \$230 billion in economic damages.² Driver inattention is a leading factor in these crashes. A 2006 study published by NHTSA and the Virginia Tech Transportation Institute (VTTI) estimated that nearly 80 percent of crashes and 65 percent of near crashes involve some form of driver inattention.³ As a percentage of national statistics, the NHTSA and VTTI estimate would mean that driver inattention causes as many as 4.9 million crashes, 34,000 fatalities and 2.1 million injuries each year and as much as \$184 billion in economic damage.

Although many agree that driver awareness—or lack thereof—is a significant concern, there is little agreement over which distractions pose the most significant threat or what should be done about them. Driver distraction has been a potential problem since cars were invented. A virtually limitless number of events, activities and objects, both inside and outside the motor vehicle, can divert a driver from his or her primary task—the safe operation of the vehicle. A January 2007 survey by Nationwide Mutual Insurance found that 31 percent of respondents admitted they daydream while driving; 19 percent acknowledge that they fix their hair, text or instant message; 14 percent comfort or discipline children; and 8 percent drive with a pet in their lap. Surveyed drivers also confessed to changing seats with passengers, reading books, watching movies, writing grocery lists, nursing babies, putting in contact lenses, painting toenails, urinating out the car window, changing shoes and shaving while driving.

Recent interest in driver focus seems to stem almost exclusively from the introduction of cell phones into the driving environment. Two decades ago, cell phones were a novelty item in cars and a non-factor in traffic safety. Less than 900,000 people in the United States subscribed to wireless services, few people lugged around the pricey, shoebox-sized devices, and few traffic safety experts mentioned driver distraction as a safety concern.

Much has changed in 20 years. According to the wireless industry association, CTIA, the number of wireless subscribers in the United States has grown to more than 230 million.⁴ Recent studies confirm something most of us already know—many people are using their phones in the driving environment, and their popularity in the car continues to grow. A December 2005 NHTSA observational survey estimated that, at any given daylight moment, approximately 10 percent of U.S. drivers are using some type of phone, whether hand-



Cell phone use by younger drivers also continues to be a popular target for state legislators. Lawmakers in 13 states—Colorado, Connecticut, Delaware, Illinois, Maine, Maryland, Minnesota, New Jersey, North Carolina, Rhode Island, Tennessee, Texas and West Virginia—and the District of Columbia currently prohibit or restrict novice driver cell phone use. All current novice driver laws prohibit young drivers—those under age 18 or 21—who only hold a learner's or instructional driving permit from using any type of wireless device while operating a motor vehicle, except in emergency situations. In 2006, legislators in 28 states considered similar proposals, with new laws passing in Minnesota, North Carolina, Rhode Island and West Virginia. Although most of the 2006 bills linked novice driver restrictions to a learner's permit or intermediate license, several bills would have prohibited all teen drivers, regardless of license status, from using wireless devices.

Eleven states—Arizona, Arkansas, California, Connecticut, Delaware, Illinois, Massachusetts, New Jersey, Rhode Island, Tennessee and Texas—and the District of Columbia prohibit school bus drivers from using phones while operating a school bus. Legislators in five states proposed school bus driver phone restrictions in 2004, while legislatures in seven states considered such measures in 2005.

State legislatures also are taking an active role in improving the collection of data and information about the involvement of cell phones and other wireless devices in crashes. At least 27 states and the District of Columbia now require some or all law enforcement officers to collect information about cell phone involvement in crashes, up from just two states in 1998 (see table 1). In many states, such data collection is required by statute. In addition, legislatures or individual legislators in at least nine states—California, Delaware, Louisiana, Minnesota, New Jersey, New York, Pennsylvania, Virginia and Wisconsin—approved or asked for studies about the effects of wireless phones on traffic safety in their jurisdictions. The Pennsylvania General Assembly's Joint State Government Commission published a report on driver distraction and public safety in December 2001,²¹ and a special legislative task force in Delaware published a report on driver distractions in 2003.²² Washington passed a bill in 2005 that requires state police to track in accident report forms information about the involvement of wireless communication devices in motor vehicle crashes. The measure also requires the state police to include this information in its annual report of traffic safety statistics.

States also are moving to assert authority over the distracted driving issue. Legislatures in 10 states have moved to restrict local cell phone laws. Florida, Kentucky, Louisiana, Mississippi, Nevada, New Jersey, New York, Oklahoma, Oregon and Utah preempt local jurisdictions from restricting cell phone use while driving. This move was significant in Florida, where several local communities, including Miami-Dade County, had prohibited the use of hand-held phones while driving. Utah's law, enacted in 2006, pre-empted a prohibition on hand-held phones in Sandy, Utah.

Four other states—California, Florida, Illinois and Massachusetts—have enacted measures related to cell phone use while driving. California requires that rental cars with embedded cell phone equipment provide written instructions on the safe use of the cell phone. Florida and Illinois require that drivers who use headsets with their phones can use only a headset that blocks sound to one ear. Massachusetts generally allows cell phone use, provided the driver keeps at least one hand on the steering wheel at all times. Other states have considered legislation to increase driver negligence for being involved in a crash while using a cell phone; however, no state has passed such a proposal.

An emerging trend in legislation is to address multiple behaviors—not only cell phone use—on the road. Washington, D.C., prohibits several potential distracted driver behaviors, including reading, writing, personal grooming, interacting with pets or unsecured cargo, using personal communications technologies, or engaging in other activities that cause distractions. Connecticut's cell phone law, enacted in June 2005, includes a broad distraction provision that prohibits drivers from engaging in any activity not related to the actual operation of a motor vehicle in a manner that interferes with the safe operation of such vehicle on any highway. Seven other states considered broad distraction bills in 2006.

Other state legislatures have examined driver use of televisions and DVD players (see appendix B). At least 38 states restrict or prohibit televisions in motor vehicles. California and Louisiana restrict the placement of DVD players and similar entertainment devices to locations out of the vision of the driver. Illinois prohibits any visual media technology, other than a navigational system, to be located at points forward of the driver's seat. Tennessee and Virginia forbid the display of

pornographic videos in cars. In addition, Virginia prohibits the display of a video or motion picture in front of the driver's seat or within view of the driver. Legislatures in 14 states in 2006 considered legislation related to the use of televisions, DVD players or videos in cars.

Federal Action

As of February, 2007 the federal government had not acted on the distracted driving issue. Legislation considered by Congress in 2003 and 2001 failed to make it out of committee. Several federal agencies have studied the effects of wireless phones on traffic safety. In June 2003, the National Transportation Safety Board (NTSB) issued a report about a 2002 crash in Maryland that involved a young driver who was using a cell phone. According to the NTSB analysis, the crash involved multiple risk factors, and the NTSB could not determine the exact extent of the role of distraction due to wireless phone use. However, NTSB concluded that, "... current State laws are inadequate to protect young, novice drivers from distractions that can lead to accidents."²³ The NTSB recommended that the states that do not have restrictions for young drivers enact legislation to prohibit holders of learner's permits and intermediate licenses from using interactive wireless communication devices while driving.

In the same report, NTSB recommended improvements in driver education. The NTSB concluded that the public may not be aware of the risks associated with using the wireless phone while driving. NTSB urged that, "... all drivers should be educated about the risks of distracted driving, including the cognitive demands associated with use of interactive communication devices."²⁴ NTSB also urged states to improve data collection by including codes for interactive wireless communications devices on their traffic accident investigation forms.

NHTSA has long studied driver distraction and traffic safety but has not issued any regulations to address the topic. In 1997, NHTSA published a report—*An Investigation of the Safety Implications of Wireless Communications in Vehicles*—that summarized driver distraction research. In 2000, NHTSA conducted a driver distraction online forum and accepted public comments on driver distraction issues. NHTSA also has published several observational surveys in an attempt to document driver cell phone use.

A policy statement regarding cellular phone use while driving, posted on NHTSA's website, warned drivers of potential cell phone risks. According to the statement, "... the primary responsibility of the driver is to operate a motor vehicle safely. The task of driving requires full attention and focus. Cell phone use can distract drivers from this task, risking harm to themselves and others. Therefore, the safest course of action is to refrain from using a cell phone while driving."²⁵

Several federal agencies, national organizations, and state and local government agencies also have worked to improve data collection. In June 2003, the national Governors' Highway Safety Association released a revised edition of the Model Minimum Uniform Crash Criteria (MMUCC), which included changes intended to help gauge the effects of driver distractions. The criteria, which were developed in collaboration with NHTSA—the Federal Highway Administration, the Federal Motor Carrier Safety Administration, and numerous state and local agencies, describe what kinds of information states need to collect at crash scenes. The changes to the MMUCC are intended to help policymakers paint a more accurate picture of the role of cell phones and other distractions in motor vehicle crashes.

Local Action

Many counties, cities, towns and municipalities across the United States have considered restrictions on cell phone use while driving. The largest community—Chicago, Illinois—prohibits motorists from using hand-held phones while driving. More than two dozen local jurisdictions—in Florida, Illinois, Massachusetts, Michigan, New Jersey, New Mexico, New York, Ohio, Pennsylvania and Utah—have enacted similar restrictions. Local jurisdictions that have passed ordinances include: •

Appendix B. State Laws Regarding Televisions in Motor Vehicles

State/Jurisdiction	Restriction
Alabama	No television screen shall be located in front of the driver's seat or in such a manner as to obscure the driver's vision.
Alaska	No television can be visible to the driver. Navigation equipment is allowed.
Arizona	No television screen or any other means of receiving a television broadcast can be forward of the driver's seat or visible to the driver.
Arkansas	None.
California	No television receiver, video monitor or a television video screen, or any other similar means of usually displaying a television broadcast can be located in the vehicle at any point forward of the back of the driver's seat.
Colorado	None.
Connecticut	No television screen or other device of a similar nature, except a video display unit used for instrumentation purposes, can be visible to driver or interfere with the safe operation of the vehicle.
Delaware	None.
Florida	No television-type receiving equipment can be visible to the driver.
Georgia	None.
Hawaii	None.
Idaho	None.
Illinois	Prohibits visual media technology other than navigational systems from being located at any point in a motor vehicle visible to the driver. No television broadcast receiver can be visible to driver.
Indiana	A person may not operate a motor vehicle that has a television set installed in a manner that allows the driver to see the television set while operating the vehicle.
Iowa	None.
Kansas	No television-type receiving equipment screen can be visible to the driver. Navigation systems are allowed.
Kentucky	None.
Louisiana	Drivers cannot operate a motor vehicle with a television capable of receiving any prerecorded visual presentation unless the TV is behind the driver's seat or not visible to the driver while he or she is operating the vehicle. Retailers may not install a television set at any point forward of the back of the driver's seat.
Maine	No television viewer or screen can be visible to the driver.
Maryland	No television-type receiving equipment can be installed in front of the back of the driver's seat and cannot otherwise be visible to driver. Navigation systems are allowed.
Massachusetts	No television viewer, screen or other means of visually receiving a television broadcast can be installed forward of the back of the driver's seat or otherwise visible to the driver.
Michigan	Televisions visible to drivers are prohibited in motor vehicles.
Minnesota	No television or television-type equipment can be visible to the driver. Navigation systems are allowed. Closed circuit video systems that help a driver's rear or side visibility are allowed.
Mississippi	None.
Missouri	None.
Montana	None.
Nebraska	No television can be visible to the driver.
Nevada	No television-type receiving equipment can be visible to the driver. Television-type receiving equipment can be visible to the driver if used for safety, law enforcement or navigation.
New Hampshire	No television viewer, screen, or other means of visually receiving a television broadcast can be located at any point forward of the back of the driver's seat or otherwise visible to the driver.

Appendix B. State Laws Regarding Televisions in Motor Vehicles (continued)	
State/Jurisdiction	Restriction
New Jersey	No television set can be visible to the driver.
New Mexico	No television screen can be visible to the driver unless used as an aid to the driver in operating the vehicle.
New York	No television receiving set visible to driver unless closed-circuit television receiving equipment used for safety and navigation purposes.
North Carolina	No television screen or other means of visually receiving a television broadcast can be located at any point forward of the driver's seat or otherwise visible to the driver.
North Dakota	None.
Ohio	None.
Oklahoma	It is unlawful to install a television set in any location where it is visible to the driver.
Oregon	No television viewer, screen or other means of visually receiving a television broadcast can be located at any point forward of the back of the driver's seat or otherwise visible to the driver.
Pennsylvania	No television or television-type equipment can be visible to the driver. Navigation systems are allowed.
Rhode Island	No television viewer, screen, or other means of visually receiving a television broadcast can be visible to the driver.
South Carolina	No television screen can be visible to the driver.
South Dakota	No television screen can be visible to the driver.
Tennessee	No television screen or device of a similar nature can be visible to the driver. Display of obscene videos is prohibited.
Texas	No video-receiving equipment, including a television or similar equipment, can be visible to the driver. Navigation systems are allowed. Digital systems used for commercial purposes are allowed.
Utah	No television-type receiving equipment can be visible to the driver. Does not apply to law enforcement or safety use as approved by the DMV. Navigation systems are allowed.
Vermont	No television receiver, screen, or other means of visually receiving a television broadcast can be visible to the driver.
Virginia	No television receiver can be visible to driver. Video or motion pictures cannot be displayed in front of the driver's seat or within view of the driver. Display of obscene videos is prohibited.
Washington	No television viewer, screen, or other means of visually receiving a television broadcast can be forward of the back of the driver's seat or otherwise visible to the driver.
West Virginia	No television receiver can be visible to the driver.
Wisconsin	No device for visually receiving a television broadcast can be forward of the back of the driver's seat or visible to the driver.
Wyoming	No television-type receiving equipment can be visible to the driver unless used for safety, law enforcement or navigation.
American Samoa	None.
District of Columbia	No television equipment can be visible to the driver.
Guam	None.
Puerto Rico	No television may be located in a vehicle so that it is visible to the driver.
Virgin Islands	None.

*Laws as of December 2006.

Sources: *AAA Digest of Motor Laws*, 2007; NCSL, 2007.

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						
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

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: HB0848(FIN)-LAW-CRIM 03-08-08
 Bill Version: CSHB088(FIN)
 () Publish Date: _____

Identifier (file name): _____ Dept. Affected: LAW
 Title: An Act relating to TV's and monitors in motor vehicles RDU: Criminal
 Component: Criminal Justice Litigation
 Sponsor: REPRESENTATIVE(s) GATTO
 Requester: SENATE STATE AFFAIRS Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING	0.0	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)

	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other Interagency Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

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.

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 Approved by: Talis Colberg, Attorney General
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