



LAWS OF ALASKA

2012

Source
CSHB 255(JUD)

Chapter No.

AN ACT

Relating to screen devices in motor vehicles; prohibiting the driver of a motor vehicle from reading or typing a text message or other nonvoice message or communication on a cellular telephone, computer, or personal data assistant while driving a motor vehicle; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to screen devices in motor vehicles; prohibiting the driver of a motor vehicle from
2 reading or typing a text message or other nonvoice message or communication on a cellular
3 telephone, computer, or personal data assistant while driving a motor vehicle; and providing
4 for an effective date.

5

6 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
7 to read:

8 STATEMENT OF PURPOSE. The purpose of this Act is to conform and clarify that
9 the use of a cellular telephone, computer, personal data assistant, or any other similar means
10 for texting or communicating in a manner prohibited by AS 28.35.161 has been illegal since
11 AS 28.35.161 was enacted and that the December 1, 2011, magistrate's decision in State v.
12 Adams, 3KN-11-719 CR, is legally incorrect.

13 * **Sec. 2.** AS 28.35.161(a) is amended to read:

14 (a) A person commits the crime of driving while texting, while

1 **communicating on a computer, or while** [WITH] a screen device **is** operating if [(1)]
2 the person is driving a motor vehicle, **and**

3 **(1)** [; (2)] the vehicle has a television, video monitor, portable
4 computer, or any other similar means capable of providing a visual display that is in
5 full view of a driver in a normal driving position while the vehicle is in motion, **and** [;
6 AND (3)] the monitor or visual display is operating while the person is driving; **or**

7 **(2) the person is reading or typing a text message or other**
8 **nonvoice message or communication on a cellular telephone, personal data**
9 **assistant, computer, or any other similar means capable of providing a visual**
10 **display that is in the view of the driver in a normal driving position while the**
11 **vehicle is in motion and while the person is driving.**

12 * **Sec. 3.** AS 28.35.161(b) is amended to read:

13 (b) A person may not install or alter equipment described in **(a)** [(a)(2)] of this
14 section that allows the images to be viewed by the driver in a normal driving position
15 while the vehicle is in motion.

16 * **Sec. 4.** AS 28.35.161(c) is amended to read:

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

18 (1) portable cellular telephones or personal data assistants being used
19 for **voice** [VERBAL] communication or displaying caller identification information;

20 (2) equipment that is displaying only

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

22 (B) vehicle information or controls related to speed, fuel level,

23 battery charge, and other vehicle safety or equipment information;

24 (C) navigation or global positioning;

25 (D) maps;

26 (E) visual information to

27 (i) enhance or supplement the driver's view forward,
28 behind, or to the sides of the motor vehicle for the purpose of
29 maneuvering the vehicle; or

30 (ii) allow the driver to monitor vehicle occupants seated
31 behind the driver;

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

3 (G) vehicle dispatching information for passenger transport or
4 freight or package delivery;

5 (H) information for use in performing highway construction,
6 maintenance, or repair or data acquisition by the Department of Transportation
7 and Public Facilities or a municipality; or

8 (I) information for use in performing utility construction,
9 maintenance, repair, or data acquisition by a public utility; in this
10 subparagraph, "public utility" has the meaning given in AS 42.05.990.

11 * **Sec. 5.** AS 28.35.161(d) is amended to read:

12 (d) Subsections (a) and (b) of this section do not apply to devices and
13 equipment installed in an emergency vehicle, **whether removable or permanently**
14 **installed, or to the viewing of authorized screen devices by police, fire, or**
15 **emergency medical service personnel if the user of the equipment or device**
16 **reasonably believes the information on the device is necessary to respond to a**
17 **health, safety, or criminal matter.** In this subsection, "emergency vehicle" means a
18 police, fire, or emergency medical service vehicle.

19 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).