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Honorable Hugh B. McCall, Director
Alabama Department of Public Safety
Post Office Box 1511
Montgomery, Alabama 36102-1511

Motor Vehicles – Rules of the Road – Television – Vision Screens – Public Safety, Department of

The use of a split-screen device in the front seat of a vehicle that cannot receive television broadcasts does not violate section 32-5-219 of the Code of Alabama.

Dear Colonel McCall:

This opinion of the Attorney General is issued in response to your request.

QUESTIONS

> Does section 32-5-219 of the Code prohibit the use of split-screen technology in the dashboard of an automobile, or does the fact that the driver cannot see the broadcast indicate that the technology is in compliance with the law because it does not violate the meaning and spirit of the statute?

FACTS AND ANALYSIS

Alabama law regulates, as follows, the location of "television viewers" within the passenger compartment of an automobile.

> No television viewer, screen or other means of visually receiving a television broadcast shall be located in a motor vehicle at any

> point forward of the back of the driver's seat or in any manner so that the driver of the vehicle can see it while in actual control of the vehicle.

ALA. CODE § 32-5-219 (1999).

This statute was passed in 1949, and there have been many technological advances since that time. Many luxury cars on the market today include video screens in the dashboard of the vehicle. Historically, these video screens assist the driver in performing driving functions. For example, the video screens display images from a rearview camera to assist the driver in parallel parking or display maps from GPS technology to assist the driver by giving directional information.

The statute does not define the term "television viewer" or "television broadcast." Criminal laws are to be construed according to the "fair import of their terms to promote justice and to effect the objects of the law." *See* ALA. CODE § 13A-1-6 (2006). "[W]hen a term is not defined in a statute, the commonly accepted definition of the term should be applied." *Bean Dredging, L.L.C. v. Alabama Dep't of Revenue,* 855 So. 2d 513, 517 (Ala. 2003*), citing Republic Steel Corp. v. Horn*, 268 Ala. 279, 281 (1958).

The Federal Communications Commission ("FCC") defines "television broadcast band" as "[t]he frequencies in the band extending from 54 to 806 megahertz which are assignable to television broadcast stations." 47 C.F.R. § 73.681 (2010). Furthermore, the FCC defines "television broadcast station" as "a station in the television broadcast band transmitting simultaneous visual and aural signals intended to be received by the general public. *Id.* Under these federal definitions, the split-screen technology developed by Mercedes would not be "visually receiving a television broadcast." As a result, the technology does not violate Alabama law because it is not a "television viewer," and it does receive a television broadcast.

Based on the foregoing, such screens are not illegal under section 32-5-219, as long as they are not capable of receiving a television broadcast. The use of devices that can play video recordings in the back seat of a vehicle, but not receive a television broadcast, is common today. Such devices would not be illegal under section 32-5-219, even when used in the front seat of a vehicle, although it could constitute reckless driving or some other offense if it could be viewed by the driver. The use of a split-screen device in the front seat of a vehicle that could not receive television broadcasts thus would not violate section 32-5-219.

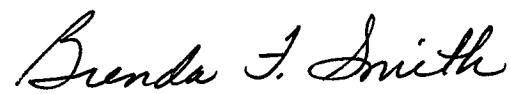
CONCLUSION

The use of a split-screen device in the front seat of a vehicle that cannot receive television broadcasts does not violate section 32-5-219 of the Code.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact me.

Sincerely,

LUTHER STRANGE
Attorney General
By:



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