LEGISLATIVE RESEARCH SERVICES

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Alaska Municipal Ordinances Prohibiting Texting While Driving

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You asked which Alaska municipalities have ordinances prohibiting texting while driving.

Briefly, we searched the municipal codes of 22 Alaska municipalities and found only one—the Municipality of Anchorage—with an ordinance in place prohibiting texting while driving, as follows:[1]

> § Sec. 9.28.050 Driving a motor vehicle with a screen device operating.
>
> A. It is unlawful for a person to drive a motor vehicle in the municipality, in violation of AS 28.35.161(a), with a screen device operating.
>
> B. It is unlawful for a person to install or alter a screen device while in the municipality, in violation of AS 28.35.161(b).

In November 2015 the Anchorage Assembly amended Code Section 9.48.130 to change the penalty for driving a motor vehicle with a screen device operating from a misdemeanor to a traffic violation, which incurs a $500 fine. In doing so, city officials hope to make prosecution easier, as just four drivers had been successfully charged for texting while driving since 2011.[2] Most other municipal codes we reviewed in detail explicitly adopt state traffic laws and regulations and, in the absence of such provisions, the prohibition against texting while driving enumerated in AS 28.35.161(a) is nonetheless in effect.

We hope this is helpful. If you have questions or need additional information, please let us know.

[1] We reviewed the traffic codes of Anchorage, Bethel, Dillingham, Fairbanks, Juneau, Kenai, Palmer, Sitka and Wasilla, and conducted key word searches in various combinations of the municipal codes of the following communities: Angoon, Cordova, Galena, Gustavus, Hoonah, Hydaburg, Kotzebue, North Slope Borough, Petersburg, Seward, Soldotna, Tanana, and Unalakleet.

[2] Devin Kelly, "Anchorage Assembly Approves New Texting-and-Driving Penalty," *Alaska Dispatch News*, November 10, 2015, *http://www.adn.com/article/20151110/anchorage-assembly-approves-new-texting-and-driving-penalty.*