

Alaska Dispatch News

Published on *Alaska Dispatch News* (<http://www.adn.com>)

[Home](#) > Anchorage Assembly approves new texting-and-driving penalty

Devin Kelly ^[1]

November 10, 2015

Drivers caught texting behind the wheel in Anchorage now face a \$500 fine but no threat of jail time as part of an ordinance approved Tuesday night by the Anchorage Assembly. It takes effect Jan. 1.

City officials said the change, approved in a 10-1 vote, is designed to make prosecution easier by changing a texting violation from a misdemeanor into a minor offense. Since 2011, just four people have been convicted of a misdemeanor charge of texting while operating a screen device in Anchorage, said city prosecutor Seneca Theno.

The law is not an outright cellphone ban while driving. It is designed to prevent drivers from using texting or apps on smartphones while behind the wheel.

In response to questions from Assembly members, Sgt. Roy LeBlanc, traffic unit supervisor in the Anchorage Police Department, also clarified that the violation for texting or using a screen device only applies while the driver has the vehicle in motion.

Assemblyman Ernie Hall noted that some states do ban cellphones entirely for drivers. He said the measure shouldn't be seen as a revenue-generator for the city.

"People that get caught while doing this -- the consequence (will be) great enough (that) it makes them think not only once or twice or three or four times before driving while texting," Hall said.

In a separate measure associated with traffic fine levels, the Assembly approved a proposal from Mayor Ethan Berkowitz to make sweeping inflation-based increases to some city fines and fees. That includes animal shelter fees, child care licenses and about 260 types of traffic tickets.

The measure passed 7-4, with Assembly members Bill Evans, Amy Demboski, Jennifer Johnston and Patrick Flynn opposing. Debate before the vote largely centered on the police fines and whether bigger fines would serve as a deterrent or be seen simply as a revenue-generating measure. The Assembly ultimately rejected an effort by Evans to keep the police fines unchanged.

The ordinance will net the city at least an estimated \$1.2 million in revenue annually, Berkowitz administration officials said. The administration has emphasized more recently that the measures would improve driver behavior.

Assemblyman Bill Starr said he supported the measure because the costs of enforcement have gone up over the years, while the fines haven't. Officials said the fee and fine schedule has not been significantly updated since 2001.

Several Assembly members pointed out the \$722,000 bump in estimated revenue from traffic tickets would come not from increased enforcement, but from officers writing the same number of tickets.

Both Evans and Johnston said the timing was an issue, and that the fines should be revised outside the city budget cycle. Assemblywoman Amy Demboski also said she was concerned the fine increases would have a disproportionate impact on lower-income residents.

As a result of the ordinance, speeding tickets will increase an average of 32 percent. The ordinance establishes flat fines for different speed categories, doing away with the old sliding scale method. That means a \$90 fine for driving between 3 and 9 mph over the speed limit, and \$180 for driving between 10 mph and 19 mph over the speed limit and \$360 for driving between 20 mph and 29 mph over. Speeding fines will ramp up steadily from there.

Some types of fines, like operating a vehicle in violation of a provisional license, double; others increase only slightly. Fines for motorists, bicyclists and pedestrians are included in the revised schedule. One new addition: a \$300 ticket for drag racing.

City fees are also increasing in restaurant permitting and food safety, Animal Care and Control, development services and the cemetery. The Department of Health and Human Services also introduced a new \$50 licensing fee for home childcare facilities with eight or fewer children, as well as increased fees for larger facilities.

Licensing for child care centers have not increased since 1992, but labor costs have increased by 50 percent, the memo said.

Noise in neighborhoods and loud music being played in cars were also targeted for a fine increase. East Anchorage Assemblyman Pete Petersen introduced an amendment Tuesday night to raise noise violation fines, which he said was spurred by a constituent who called regularly last summer to complain about being awoken early in the morning by loud music.

Noise disturbances can now lead to a \$250 fine, up from \$150. A first violation for loud music in a car would be a \$150 fine, up from \$100, and leading to a maximum \$1,500 fine after three violations in a year and the "forfeiture of the sound system or components of the sound system up to \$1,000 in value," according to Petersen's amendment.

Sgt. LeBlanc told Assembly members that a car noise violation is defined by music that is clearly audible at 25 feet or more from the vehicle.

Had the Assembly not approved the fee and fine changes, the budget proposed by the Berkowitz administration would have been unbalanced, officials wrote in a memo to Assembly members.

Earlier in the evening, the Assembly held a second public hearing on the budget proposed by the Berkowitz administration. Several people testified on issues that included the number of animal control officers and improvements for the Anchorage Senior Center.

Assembly Vice-chair Elvi Gray-Jackson said Assembly members are being asked to turn in proposed budget amendments early Thursday morning. A work session has been set for 1 p.m. Friday.

Correction: This story has been edited to reflect that the \$90 fine for speeding applies to speeds from 3 to 9 mph, not 1 to 9.

Source URL: <http://www.adn.com/article/20151110/anchorage-assembly-approves-new-texting-and-driving-penalty>

Links:

[1] <http://www.adn.com/author/devin-kelly>