

**ALASKA STATE LEGISLATURE**  
**HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**

February 27, 2014

8:04 a.m.

**MEMBERS PRESENT**

Representative Gabrielle LeDoux, Co-Chair  
Representative Benjamin Nageak, Co-Chair  
Representative Bob Herron  
Representative Kurt Olson  
Representative Lora Reinbold  
Representative Sam Kito III

**MEMBERS ABSENT**

Representative Neal Foster

**COMMITTEE CALENDAR**

SENATE BILL NO. 123

"An Act authorizing a municipality to adopt an ordinance prohibiting the use of cellular telephones while driving in school zones or on school property."

- MOVED SB 123 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 123

SHORT TITLE: PROHIBIT USE OF CELL PHONE WHILE DRIVING

SPONSOR(S): SENATOR(S) MEYER

01/22/14	(S)	READ THE FIRST TIME - REFERRALS
01/22/14	(S)	CRA
02/04/14	(S)	CRA AT 3:30 PM BUTROVICH 205
02/04/14	(S)	Heard & Held
02/04/14	(S)	MINUTE(CRA)
02/06/14	(S)	CRA AT 3:30 PM BUTROVICH 205
02/06/14	(S)	Moved SB 123 Out of Committee
02/06/14	(S)	MINUTE(CRA)
02/07/14	(S)	CRA RPT 4DP
02/07/14	(S)	DP: MICCICHE, EGAN, BISHOP, GIESSEL
02/14/14	(S)	TRANSMITTED TO (H)
02/14/14	(S)	VERSION: SB 123
02/17/14	(H)	READ THE FIRST TIME - REFERRALS
02/17/14	(H)	CRA, JUD

02/27/14

(H)

CRA AT 8:00 AM BARNES 124

**WITNESS REGISTER**

SENATOR KEVIN MEYER  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Spoke as the sponsor of SB 123.

EDRA MORELEDGE, Staff  
Senator Kevin Meyer  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** During the hearing of SB 123, answered questions.

MIKE COONS  
Palmer, Alaska

**POSITION STATEMENT:** During hearing of SB 123, suggested enforcing the existing traffic laws.

**ACTION NARRATIVE**

[8:04:54 AM](#)

**CO-CHAIR BENJAMIN NAGEAK** called the House Community and Regional Affairs Standing Committee meeting to order at 8:04 a.m. Representatives Herron, Olson, Reinbold, Kito III, LeDoux, and Nageak were present at the call to order.

**SB 123-PROHIBIT USE OF CELL PHONE WHILE DRIVING**

[8:06:31 AM](#)

CO-CHAIR NAGEAK announced that the only order of business would be SENATE BILL NO. 123, "An Act authorizing a municipality to adopt an ordinance prohibiting the use of cellular telephones while driving in school zones or on school property."

[8:06:49 AM](#)

SENATOR KEVIN MEYER, Alaska State Legislature, speaking as the sponsor of SB 123, explained that SB 123 would provide municipalities the ability to pass a local ordinance to prohibit the use of cell phones while driving in school zones or on school property. This legislation, he highlighted, simply

allows municipalities the option to pass such an ordinance and doesn't specify how it would be crafted. The legislation was precipitated by a constituent who, when dropping off his child at school, was rear-ended by an individual speaking on a cell phone in a school zone. Currently, this constituent volunteers as a crossing guard, a position in which he observes people driving in the school zone who are in a hurry, using their cell phone, and not paying attention. This constituent worked with the Municipality of Anchorage Assembly for some time to address this, but ultimately it was determined that enabling legislation is necessary before the municipality can pass such an ordinance. Senator Meyer noted that Municipality of Anchorage Assembly Chairman Ernie Hall, Anchorage School District Superintendent Ed Graff, and Anchorage Mayor Dan Sullivan all support SB 123. He then pointed out that there is no fiscal note for SB 123 as it's merely enabling legislation.

[8:10:12 AM](#)

CO-CHAIR LEDOUX said she understood this in terms of a hand-held device, but didn't see much difference between talking on a speaker phone and talking to someone in the vehicle.

SENATOR MEYER noted his agreement, adding that in the Senate there was discussion regarding whether cell phones are more of a distraction than pets or smoking in the vehicle. Again, the details, such as whether hand-held devices are or aren't acceptable, would be left up to the local municipality to determine.

[8:11:25 AM](#)

CO-CHAIR LEDOUX asked whether the sponsor felt that other municipalities across the state would be likely to enact such ordinances.

SENATOR MEYER answered that he wasn't sure, but pointed out that assemblies are closer to the people and that one of the number one concerns of parents [in his district] is the traffic congestion when dropping off and picking up students at school.

[8:12:22 AM](#)

CO-CHAIR NAGEAK pointed out that when a driver is talking to someone the driver can still keep his/her eyes on the road. However, cell phones allow texting, which he emphasized is dangerous and of concern in school zones.

CO-CHAIR LEDOUX reminded the committee that texting while driving is already illegal in Alaska.

[8:13:21 AM](#)

SENATOR MEYER suggested that although [an ordinance prohibiting the use of cell phones in school zones or on school property] won't completely eliminate their use, it provides crossing guards, volunteers, and principals the opportunity to remind folks it is against the law.

[8:14:26 AM](#)

REPRESENTATIVE REINBOLD began by stating her belief that responsibility can't be legislated. She related that although she received one response in opposition to SB 123, she recalled her experience as a substitute teacher and parent and opined this legislation makes sense. She then asked whether this legislation allows the municipalities to make the decision as to whether to allow texting from those sitting in a vehicle in a parking lot waiting for their child to exit school.

SENATOR MEYER reiterated that the limitations would be left to the local municipality. He noted his agreement that when the vehicle is stopped parents will likely want to be able to call their children while waiting for them outside the school. The concern, he emphasized, is if the driver while driving through the chaos that occurs in school zones is talking on his/her cell phone. Senator Meyer didn't have too much concern for those cases in which individuals are using their cell phones when the vehicle is stationary.

REPRESENTATIVE REINBOLD opined that high schools are the most chaotic zones.

[8:16:34 AM](#)

REPRESENTATIVE KITO III said that he liked that the proposal is a local option. With regard to Representative Reinbold's concerns, Representative Kito III pointed out that using a cell phone while parked in a school zone is likely okay since the legislation refers to "operating a motor vehicle". He related his observation that there have been several changes in the school zones in Juneau. He opined that intense enforcement at the beginning of the school year and periodic checks later could discourage [the use of cell phones in school zones].

8:17:45 AM

REPRESENTATIVE OLSON informed the committee that a number of studies have found that talking on a cell phone via blue tooth as well as talking with others in the car is considered distracted driving and causes almost as many accidents as does talking on a cell phone while driving. Distracted driving includes eating, applying makeup, shaving, and turning around; basically anything that takes the driver's eyes off the road has the possibility to lead to an accident. He noted that some states are considering banning [any] cell phone [use while driving]. He reviewed the fines for using a hand-held device while driving in California, which he surmised seems to be working.

8:18:56 AM

CO-CHAIR LEDOUX, returning to Representative Reinbold's earlier question, related her belief that the language "operating a motor vehicle" likely includes when a vehicle is stopped or parked. She reminded members that under the driving under the influence (DUI) laws, an individual in a vehicle with his/her key in the ignition is considered to be "operating a motor vehicle."

8:19:43 AM

EDRA MORELEDGE, Staff, Senator Kevin Meyer, Alaska State Legislature, clarified that SB 123 does not intend to prohibit parents from pulling up to the sidewalk and texting their children. She related her belief that the Municipality of Anchorage wouldn't include [such a prohibition] as the intention is to address cell phone use in a moving vehicle in a school zone, and thus the language of an ordinance would likely be crafted to accommodate such cell phone use as described above [in a stationary/parked] vehicle.

8:20:42 AM

REPRESENTATIVE HERRON inquired as to what the sponsor considered to be reasonable enforcement parameters.

SENATOR MEYER acknowledged that enforcement is always difficult, particularly since the proposal in SB 123 would only be enforced when police are present in school zones, which he indicated would be a periodic occurrence. Senator Meyer related that

although it was difficult for him to sponsor this legislation because he doesn't like to legislate how people live their lives, in this case SB 123 is merely enabling legislation for the local municipalities.

[8:22:12 AM](#)

REPRESENTATIVE HERRON remarked that he likes the legislation and believes it would be smart for the legislature and any community to enact the appropriate language so that the charge is higher than negligent driving or involuntary manslaughter. He then related that he was rear-ended by a driver who was texting, which he suggested is an addiction.

SENATOR MEYER noted his agreement that SB 123 will not end texting while driving, but opined it provides another tool for the principal and the Parent Teacher Associations.

[8:24:55 AM](#)

REPRESENTATIVE HERRON related his preference to clarify the meaning of the language "operating a motor vehicle" and indicated he could recommend such a clarifying amendment.

SENATOR MEYER stated that he is amenable to such suggestions or amendments to SB 123 as there is plenty of time to make changes.

[8:25:56 AM](#)

REPRESENTATIVE KITO III asked if state troopers have the ability to enforce a local ordinance.

SENATOR MEYER, noting that he would double-check, offered his belief that state troopers in Anchorage have the right to pull over people. He further offered his belief that state troopers would be the enforcers in rural areas of the state.

[8:26:51 AM](#)

REPRESENTATIVE REINBOLD moved that the committee adopt Conceptual Amendment 1, which would exempt parked cars. No objection was stated.

[8:27:30 AM](#)

REPRESENTATIVE HERRON suggested that it would be best for Conceptual Amendment 1 to be reviewed by Legislative Legal Services.

[8:28:29 AM](#)

CO-CHAIR NAGEAK opened public testimony.

[8:28:45 AM](#)

MIKE COONS highlighted the various laws on the books today that elevate already existing simple laws, such as domestic violence that is an elevation of simple assault to felony assault. The same is the case for the proposal in SB 123 as there are existing traffic laws for distracted driving. He questioned whether the courts would do anything in response to elevating talking on a cell phone or whether it would be just one more thing that courts ignore. As mentioned earlier, there is an existing law prohibiting texting while driving and it carries a penalty of 1 year in jail and a \$5,000 fine, and he questioned how much the texting law is being enforced. Mr. Coons related his belief in limited government, and thus he suggested enforcing the existing traffic laws, including texting while driving and distracted driving.

[8:31:50 AM](#)

CO-CHAIR NAGEAK announced his intent to hold SB 123 in order for Legislative Legal Services to review some amendments.

[8:32:08 AM](#)

REPRESENTATIVE REINBOLD, noting that the next committee of referral, the House Judiciary Standing Committee, could address the aforementioned concern, withdrew Conceptual Amendment 1.

[8:34:04 AM](#)

CO-CHAIR NAGEAK closed public testimony.

[8:34:36 AM](#)

REPRESENTATIVE HERRON moved to report SB 123 out of committee with individual recommendations, the accompanying fiscal notes, and a note suggesting a committee substitute be drafted to address the concerns discussed. There being no objection,

SB 123 was reported from the House Community and Regional Affairs Standing Committee.

[8:35:25 AM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 8:35 a.m.