

HB

295

22-LS1176F
Ford
2/11/02

*Adopted
4.8.02*

CS FOR HOUSE BILL NO. 295()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE LANCASTER

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to prohibiting the use of cellular telephones when driving a motor
2 vehicle; and providing for an effective date."

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

4 * Section 1. AS 28.35 is amended by adding a new section to read:

5 **Sec. 28.35.165. Prohibited use of cellular telephone.** (a) A driver of a
6 motor vehicle may not use a cellular telephone when driving a motor vehicle on a
7 public roadway or vehicular way or area unless the cellular telephone is operated

8 (1) as a hands-free telephone or as a hands-free telephone with an
9 earphone; or

10 (2) during an emergency, including reporting a crime, or in the
11 performance of a duty by emergency services personnel.

12 (b) A person who violates this section is guilty of an infraction and may be
13 punished as provided under AS 28.40.050. A fine imposed under this subsection may
14 be waived if the person completes a driver safety education course.

- 1 (c) In this section, "cellular telephone" does not mean a citizens band radio.
- 2 * Sec. 2. This Act takes effect July 1, 2002.

Alaska State Legislature

SESSION ADDRESS:
State Capitol
Juneau, Alaska 99801-1182
Phone (907) 465-2693
Toll Free 800-463-2693
Fax 907-465-3835



INTERIM ADDRESS:
35477 Suite 101-B Spur Hwy
Soldotna, Alaska 99669
Phone 907-260-5236
Fax 907-260-3044

Representative Ken Lancaster District 8

Sponsor Statement For HOUSE BILL 295

“An Act prohibiting the use of cellular telephones when operating a motor vehicle; and providing for an effective date”

House Bill 295 will increase the safety involved with the use of cellular telephones in vehicles. By encouraging the use of “Hands Free” cellular phones, we will help ensure the safety of all people on the roadways. New technologies are available and we have a responsibility to encourage its implementation to help ensure public safety. As with safety belts, simply encouraging their use will not save enough lives. All people must share the road, so we all must share in the safety concerns of the other drivers.

HB 295 includes an exception for hands free phones as well as during an emergency, the reporting of a crime, or in the performance of duty by emergency services personnel. As well, the bill includes a provision for the fine to be waved if the person completes a driver safety course to reflect the importance of educating people about the issue.

SECTIONAL ANALYSIS
HB 295

An Act relating to prohibiting the use of cellular telephones when driving a motor vehicle; and providing for an effective date.

Prepared by Representative Ken Lancaster

Section 1:

- (a) Prohibits the use of Cellular phones while driving.
Permits use of Cellular Phone if it is hands free or in the event of an emergency, the reporting of a crime, or in the performance of duties by emergency services personnel.
- (b) Establishes the offence as an infraction punishable under AS 28.40.050
Provides a waiver for the fine, if the defendant completes a driver safety education course.
- (c) Excludes Citizens Band Radio from the law

Section 2: Provides the effective date

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 295
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title Prohibit cellphone use when BRU AST Detachments
Driving Component AST Detachments
 Sponsor Representative Lancaster
 Requester House Judiciary Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on the Department of Public Safety.

Prepared by: Lt. Julia Grimes Phone 269-4532
 Division Division of Alaska State Troopers Date/Time 3/12/02 1:15 PM
 Approved by: Commissioner Glenn Godfrey Date 3/12/2002
 Agency Department of Public Safety

RECEIVED
FEB 4 - - 2002



Dan Youmans
Director
External Affairs
Washington & Alaska

AT&T Wireless Services, Inc.
617 Eastlake Avenue East
Seattle, WA 98109
206 389-5208
FAX 206 389-2384
WIRELESS 206 954-2261
daniel.youmans@attws.com

January 30, 2002

The Honorable Rep. Ken Lancaster
Alaska House of Representatives
State Capitol
Room 421
Juneau, AK 99801

Dear Rep. Lancaster:

I very much enjoyed talking with you yesterday about legislation to regulate the use of wireless phones while driving. As I mentioned, AT&T Wireless takes this issue very seriously. We recognize the potential for wireless phones to create a distraction for the driver, just as other activities in a vehicle, such as tuning the radio or talking with other passengers, can create a distraction. At the same time, wireless phones provide a valuable emergency communications tool. It is our position, therefore, that the best approach to this issue is public education and strict enforcement of negligent or inattentive driving laws.

Public Education

To help ensure that wireless phones are used safely and appropriately in vehicles, AT&T Wireless has made educating our customers a top priority. AT&T Wireless is committed to promoting sound judgment, and safe, responsible phone use. Through promotional materials and user guides, we urge our customers not to place calls or have conversations when traffic conditions render such actions unsafe.

We also recommend that drivers allow calls to go to voice mail or have a passenger answer a call if it would not be safe for the driver to do so. Our AT&T Wireless store employees also are trained to talk about safe driving with customers.

Finally, we recognize that some wireless phone users find that hands free devices help them manage their wireless phone use. For that reason, AT&T Wireless provides an "earbud" free of charge with every new phone that is sold to our customers nationwide, and we make ear pieces available to our existing customers - free of charge. In short, we believe and advocate that safe driving should be the number one consideration for our customers.

Page 2

Law Enforcement

For those people who do not drive safely due to distractions in the car, there is a body of existing law that allows the police to cite drivers and enforce safe driving practices. A driver who drives irresponsibly for any reason, including while a wireless phone is being used, should be penalized.

If existing laws are not adequate, AT&T Wireless supports the adoption of inattentive driving laws that require drivers to drive responsibly and punishes those who don't. We believe it is wiser to have one law covering all distractions, as opposed to a new law for every distraction facing drivers. Laws that recognize existing, as well as future driver distractions – technology based or not – would truly address the safety concerns of all the citizenry.

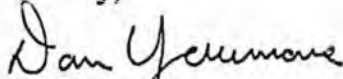
We hope you will take these issues into account as you consider new laws on driving with wireless phones. We want our customers to have every opportunity to continue using wireless phones in their cars and believe that the vast majority of them have demonstrated that they are able to do so safely and sensibly.

To assist you in your deliberations on this issue, I have included these documents:

- A summary of a recent distracted driving study commissioned by AAA and performed by the University of North Carolina Highway Safety Research Center;
- The veto message from Gov. Lincoln Almond, State of Rhode Island, of legislation that would have mandated the use of hands free devices while driving;
- A copy of the inattentive driving bill now being considered by the California Legislature, which recently rejected a proposal to require a hands free device; and
- The "Arrive Safely" brochure, which AT&T Wireless uses to educate customers about the safe and appropriate use of wireless phones in automobiles.

Please feel free to contact me if you have any questions. I look forward to talking with you about this issue at your earliest convenience.

Sincerely,



Dan Youmans
Director, External Affairs
AT&T Wireless

[home > news](#)

[Press Release](#)

[Outline of Results,
Methodology, and
Data Limitations](#)

[Downloadable
Photos & Images](#)

[Congressional
Testimony](#)

[Full Report
\(pdf format, 831 kb\)](#)

Distracted drivers pose safety hazard, according to new UNC Highway Safety Research Center study

Press Release - for immediate use

May 8, 2001

CHAPEL HILL - Each year, an estimated 284,000 distracted drivers are involved in serious crashes, according to a new study by the University of North Carolina Highway Safety Research Center.

"We found that 15 percent of drivers in the study were not paying attention and just over half of these (8.3 percent) were distracted by something inside or outside the vehicle," said Dr. Jane Stutts, manager of epidemiological studies at the UNC center and author of the study.

When drivers with unknown attention status were removed from the data, the percentage of distracted drivers rose to 12.9 percent.

Stutts will testify about the study, funded by the AAA Foundation for Traffic Safety, at a congressional hearing in Washington, D.C., on Wednesday (May 9). She will testify before the House Transportation and Infrastructure Committee's Subcommittee on Highways and Transit at 10 a.m.

The study found that drivers were most often distracted by something outside their vehicle (29.4 percent) followed by adjusting a radio or CD player (11.4 percent). Other distractions included talking with other occupants (10.9 percent), adjusting vehicle or climate controls (2.8 percent), eating or drinking (1.7 percent), cell-phone use (1.5 percent) and smoking (0.9 percent).

"Different age groups appear to be distracted by different things," Stutts said.

Drivers under age 20 were especially likely to be distracted by tuning the radio or changing CDs, while young adults (ages 20-29) seemed to be more distracted by other passengers. Drivers over age 65 were more distracted by objects or events happening outside the vehicle.

Most of the distracted drivers were male (63 percent), in part because as a group, males drive more than females and are more likely to be involved in serious crashes.

Researchers used the National Highway Traffic Safety Administration's Crashworthiness Data System for the study. The CDS examines a sample of approximately 5,000 crashes a year in which at least one vehicle was damaged enough to require towing. Federal investigators collect detailed information about each crash, including examination of the vehicle and crash scene and interviews with drivers and witnesses. The UNC center's study used data from 1995 through 1999 and included 32,303 vehicles.

The UNC Highway Safety Research Center conducts interdisciplinary research aimed at reducing deaths, injuries and related societal costs of roadway crashes in North Carolina and the nation. The center's research addresses crashes involving motor vehicles, bicyclists and pedestrians and takes into account the various human, vehicular, roadway and environmental components of these risks.

The AAA Foundation for Traffic Safety is an independent, publicly funded charitable research and educational organization founded by the American

Automobile Association in 1947. The AAA Foundation's mission is to prevent traffic deaths and injuries by conducting research into their causes and by educating the public about strategies to prevent crashes.

-- 30 --

UNC Highway Safety Research Center contact: Emily Smith, (919) 962-7803

UNC News Services contact: Deb Saine, (919) 962-8415

**AAA Foundation for Traffic Safety contact: Stephanie Faul, (202) 638-5944
(Ext. 4)**

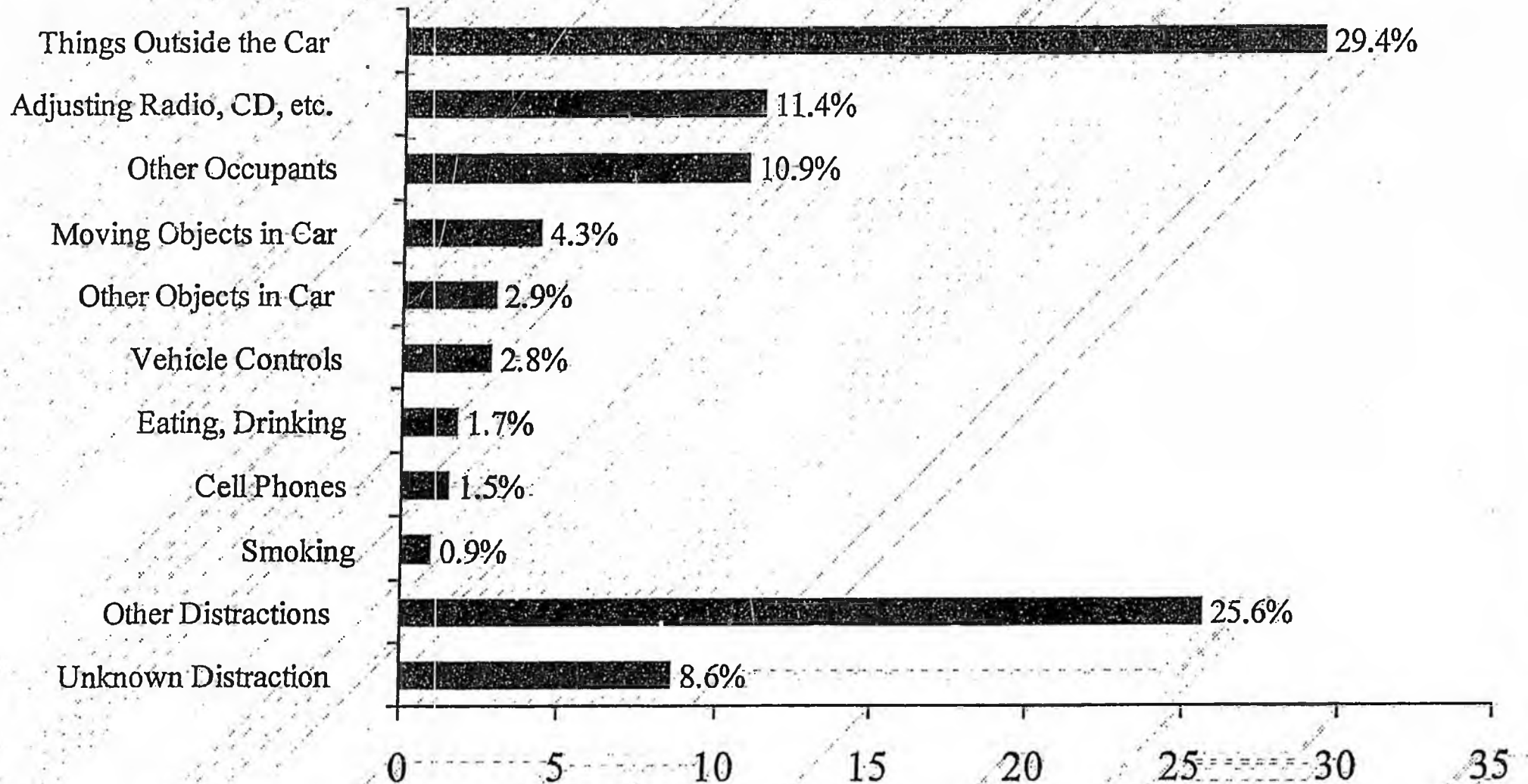
[home](#) : [safety information](#) : [research](#) : [publications](#) : [news](#) : [about us](#) : [websites](#) : [pbic](#) :
[sitemap](#)

The University of North Carolina Highway Safety Research Center: CB# 3430, Chapel Hill, NC 27599

Phone: 919-962-2202 or (in NC) 800-672-4527 Fax: 919-962-8710

[email webmaster](#)

What distracts drivers?



Source: 1995-1999 NASS CDS



State of Rhode Island and Providence Plantations

State House
Providence, Rhode Island 02903-1196
401-222-2080

LINCOLN ALMOND
Governor

July 11, 2001

TO THE HONORABLE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Rhode Island General Laws § 43-1-4, I am transmitting herewith, with my disapproval, 2001-H 5757 Substitute A, "An Act Relating to Motor and Other Vehicles – Use of Electronic Devices."

This bill would require drivers of motor vehicles and bicycles to employ a hands-free device when using a mobile telephone, except when reporting emergencies to 911, state and local police or fire departments. This bill would also clarify the existing ban on the operation of bicycles and motor vehicles while wearing earphones or a headset. The bill would not take effect until July 1, 2002, nearly a year from now.

Available statistics show that tuning a radio, eating, speaking to other people in the car, reaching for something within the vehicle, reading, writing and using the glove compartment have all been found to be more distracting to drivers than is the use of a cell phone. According to a working paper of the AEI-Brookings Joint Center for Regulatory Studies, cell phone use contributes to just 0.2% of total accidents. Only three states have collected information on the issue long enough to report any findings. In Oklahoma, phones were related to only 0.1% of accidents in each of 1998 and 1999; in Minnesota, either a phone or a CB radio contributed to merely 0.05% of accidents in 1999; and in Tennessee, phones were involved in less than 0.2% of crashes in 1999. None of these states has yet enacted a cell phone ban.

Additionally, the AAA Foundation for Traffic Safety recently examined 26,000 traffic accidents. Only 1.5% of those accidents involved wireless phone use, a small percentage compared to other distractions, including eating and (nonalcohol) drinking (18.8%); adjusting music selection (11.4%); other occupants in the vehicle (9.4%); and moving objects in the vehicle (3.2%). According to this AAA Foundation study, the percentage of accidents which involved wireless phone use was similar to the percentage of accidents that involved the adjustment of climate controls (1.2%) or smoking (1.2%).

Such evidence, in my view, does not end the debate, but it does mean that such a ban should come only in the context of other distracted driving issues and receive further study. Supporters of a ban, while acknowledging that other distracted driving may significantly contribute to accidents, point to other studies showing that accidents resulting from hand held cell phone use is not insubstantial. The statistics are inconclusive. That is why the head of the National Highway Traffic Safety Administration has urged Congress to be patient and not enact any ban until definitive data on cell phone usage can be assembled and assessed.

Nearly every state agrees. To date, although various hand-held cell phone ban bills have been introduced in at least 40 states, only New York has enacted such a ban. Even that law is substantially different than this bill. New York provides a 30 day period where motorists will receive only a warning and then for the next three months, a judge can waive the fine if the driver can prove that he or she has bought a headset or speakerphone.

Any legislation must also take into account concerns voiced by the Division of State Police (the "Division"). The Division receives a significant number of calls from drivers on their cell phones reporting drunk driving, highway debris, disabled vehicles and incidents of road rage, among other violations. The Division is concerned that the enactment of this bill could have a chilling effect on the willingness of drivers to report such dangerous occurrences, since they are not emergencies. In fact, there was much debate in the General Assembly on the definition of "emergency" contained in the bill, and whether that definition was too narrow. A floor amendment that nearly passed the Senate would have broadened the definition to account for emergency calls that were not made to law enforcement. The Division has also questioned how the hand-held cell phone ban could be enforced. Concerns were also raised over a lack of an exception in this bill for law enforcement, emergency workers or undercover agents, among others.

I raise the question of whether any new legislation should mandate that a hands-free headset be sold with all new cell phones. Presently, it is my understanding that a compatible headset can be purchased with virtually all new cell phones. Soon an inexpensive headset will be available for every cell phone sold. We should investigate whether requiring that one be sold makes sense.

MAT 504 303-837-0269

In the next General Assembly session results will be available of studies presently underway by authorities such as the National Conference of State Legislatures. In addition, New York's new law will be on the books and its effect available. The new information should assist in guiding any Rhode Island legislation, and legislation in sister states and in Congress.

Given that this bill would not have taken effect until July 1, 2002 this veto has no effect until a year from now.

2001-H 5757 Substitute A, Veto Message

July 11, 2001

Page 3

I would point out that we have made great strides in highway safety during my tenure, but we have a ways to go. Two important and necessary traffic safety bills died this year: one, a primary seatbelt law; and two, the ability of law enforcement to obtain blood alcohol samples (with a warrant) for drunk drivers involved in serious auto accidents. While continuing to contemplate a hand held cell phone ban, I hope and expect that we can enact these crucial highway safety bills into law next year.

For these reasons, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

Lincoln Almond

ASSEMBLY BILL

No. 1783

Introduced by Assembly Members Firebaugh and Rod Pacheco

January 14, 2002

An act to add Section 23101 to the Vehicle Code, relating to driving.

LEGISLATIVE COUNSEL'S DIGEST

AB 1783, as introduced, Firebaugh. Driving.

Under existing law, motor vehicle operation is closely regulated, and drivers must follow myriad legal requirements or face criminal sanction. Under existing law, driving to the left of a double yellow line, making an unsafe lane change, or driving faster than is reasonable and prudent under the circumstances, or at a speed which endangers the safety of persons or property are all infractions. In addition, it is a misdemeanor to drive any vehicle upon a highway in willful or wanton disregard for the safety of persons or property.

This bill would make it an infraction to drive a motor vehicle in an unsafe manner that results from engaging in any distracting activity that interferes with the safe operation of the vehicle. By creating a new infraction, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23101 is added to the Vehicle Code, to
2 read:

3 23101. Any person who drives a motor vehicle in an unsafe
4 manner that results from engaging in any distracting activity that
5 interferes with the safe operation of the vehicle is guilty of
6 inattentive driving, an infraction. For purposes of this section,
7 "distracting activity" includes, but is not limited to, responding to
8 events, persons or objects outside the motor vehicle not related to
9 the safe operation of the vehicle, personal grooming, food
10 consumption, use of an electronic device such as a radio, personal
11 digital assistant, or wireless telephone, reading, or interactions
12 with passengers or pets.

13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.





Driving Wireless Safety

Your wireless phone gives you the freedom and flexibility to stay in touch when you travel.

However, the safe and responsible use of the phone depends entirely on you. Avoid accidents by not reaching for the phone or talking on the phone if that distracts you from driving safely. Your life and the lives of others are at stake. Arrive safely.



Wireless from AT&T.
Your World. Close at Hand.

Ensure your safety and the safety of others:

- Always buckle up.
- Keep your hands on the wheel and your eyes on the road.
- Don't let a phone call distract you from driving safely.

Carefully consider whether you should use your wireless phone while driving.

Factors to consider include driving skill and experience, familiarity with the vehicle, and traffic and weather conditions. Consider your alternatives:

- Allow voice mail to handle your calls and return them at your convenience.
- Pull off the roadway if safe and legal to do so.
- Ask a passenger to make or take the call.

If you do use your wireless phone while driving, use good judgment.

- Tell the caller that you are driving and may have to suspend the conversation.
- Position your phone within easy reach.
- Use a hands-free device.
- Use memory dial and automatic redial features.
- Memorize your keypad.
- Dial numbers while you are not moving.
- Do not engage in stressful or emotional conversations while driving.
- Never take notes or look up numbers while driving.
- Do not use data functions such as text messaging or Web browsing while driving.
- Please respect all applicable laws concerning the use of wireless phones. Some states or municipalities may not allow the use of earbuds or headsets and some may require hands-free use.

A message for parents: Review the options for responsible use with your new driver and establish guidelines for phone use in the car.

Emergency 911: If an emergency occurs, dial 911. Where 911 is not available, you will need to identify the appropriate local emergency service number to call for assistance.

Important: If you are in an area where your phone is searching or scanning for a signal or there is no signal, it is highly probable that a call to 911 will not go through. If your wireless 911 call is not going through, locate the nearest landline phone and call for help. Also, TTYs (text telephone devices) are currently not compatible with digital wireless phones and should not be used for 911 calls.

Wireless 911 calls do not automatically provide emergency personnel with your name, phone number or location. Tell the dispatcher:

- Your name and wireless phone number, including area code;
- The nature of the emergency;
- Whether police, fire or medical assistance is needed;
- The exact location of the emergency, including cross streets, mileposts or landmarks.

Remember: Lock your keypad to prevent unintended calls to 911.

For more information, visit the AT&T Wireless Services Web site at http://www.attws.com/general/our_company/awareness/

O470

♻️ Printed on recycled paper



Subject: Constituent Feedback on two HB issues

Date: Wed, 20 Feb 2002 11:58:59 -0900

From: "Chris Spoerhase" <cspoerhase@allcom.ws>

To: "Randy Phillips" <Senator_Randy_Phillips@legis.state.ak.us>

Honorable Senator Phillips,

Our FCC attorneys recently sent me a note on HB295 which would propose restrictions on the use of cellular phones while driving. Their comments indicated that the language was very vague but in my view there are greater issues.

With the evolving "faster" life styles that American citizens have found themselves in today there are a multitude of factors that are possibly affecting driving safety which I feel that HB295 does not address. Unfortunately, it misses the actual point of focusing the drivers attention on driving safely no matter what you are doing while operating a motorized vehicle and singles out only one thing that drivers do. If we are going to start trying to legislate activities while in a motorized vehicle I suggest that we blanket all distractions to driving which I think you will agree include the following partial list: Driving while eating fast food and beverages especially hot coffee which you might spill and create a distraction; Ban installation of all the new electronic digital TV's that people are installing in their dash boards so that they can watch movies and television while driving; Prohibit drivers of motor vehicles from applying make up or grooming themselves while driving and the list goes on as you can imagine.

The point that I think is important is that no matter what you are doing while driving the most important responsibility is safe operation of the vehicle and that you can't single out one activity. This is especially true with cell phones which: Report drunk driving incidents while driving which currently results in the most effective control of this activity according to law enforcement statistics; report 911 calls by the millions every year for all sorts of crimes and accidents which has resulted in faster response to injured people in the critical first minutes of injury and catching criminals in the act. In addition to these facts the cell phone industry to my knowledge is the only one that actually promotes safe driving to the users of its products through national programs like the Safe Driving Its Your Call program. I see no programs from the fast food industry, electronics industry, or the make up industry.

Please don't hesitate to contact me if I can be of any help to you on this matter as I may be able to point to some solutions and most certainly the wireless carriers would be happy to contribute their efforts I'm sure.

~~The second issue I wanted to give input on is a very difficult issue for the State and that is balancing the budget. I have talked with a number of residents on the subject and at least from those talked with there is no appetite for new revenue into the State coffers in any form from both the business community and individuals. The general perception is that we have a very inefficient government that is over compensated in terms of wages and benefits than non government sectors. They want no new taxes and cuts in government spending.~~

~~So how to solve the problem: 1) Across the board cuts of all depts. in an equal percentage to balance the budget; 2) Privatize those services that can be privatized i.e. collecting money from dead beat dads, dept. of transportation, work on roads and highways; 3) Accelerate retirement of the highest paid workers and replace them with lesser paid workers; 4) Renegotiate labor agreements and let them be part of the solution and don't fear the results of having to replace them; 5) Develop our resources as we are a resource state even if we face the vocal environmentalists who are~~

~~would work their way into government agencies to promote their private agendas instead of serving the needs and desires of the people.~~

~~Those are just a few ideas. My position as a voter is for no additional taxes of the citizen. The government is not the place to place more money as it is not efficiently put to use and to further cut the size and cost of state government.~~

~~Thanks for your continued representation of Eagle River and to the attention of my comments. Hope all is well for you and your family! Always feel free to call if I can be of assistance.~~

Yours truly,

Chris Spoerhase
10618 Tradition Ave.
Eagle River, AK 99577

Office (907) 929 8000
Mobile (907) 244 2292

Subject: HB295

Date: Thu, 24 Jan 2002 14:27:48 -0500

From: "Taylor, Russ C." <RCTaylor@mintz.com>

To: <Representative_Ken_Lancaster@legis.state.ak.us>

We represent AllCom, LLC, a company that is building a digital mobile wireless network in Alaska. We are very interested in HB295 and would like to know if there is someone on your staff to whom we could communicate our views on the pending legislation. In particular, our client is concerned that HB295 be worded to exclude digital two-way radio technologies that are used by mobile businesses (e.g., taxi and ambulance services) and public safety agencies, where operation of the two-way communications device is often necessary while driving. The term "cellular telephone" is actually quite vague and could wrongly be construed to cover devices that include two-way radio (dispatch) technology.

We would also like to learn the best method by which we can present AllCom's views to your office and other interested parties, especially with regard to timing and the likelihood that this legislation will move forward. Thanks.

Russ Taylor
Mintz Levin Cohn Ferris Glovsky & Popeo, P.C.
701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2608
Direct Dial: 202-661-8717
Fax: 202-434-7400
Email: rtaylor@mintz.com

Subject: HB 295

Date: Mon, 28 Jan 2002 09:09:03 -0900

From: Justin Carro <Justin_Carro@Legis.state.ak.us>

Organization: Alaska State Legislature

To: RDTaylor@mintz.com

Hello,

I am writing on behalf of Rep. Lancaster. He received your E-Mail and wanted me to get back with you regarding HB295. I have been delegated the task of corresponding and researching the Cell Phone Legislation. I understand your concerns about the exclusion of two-way radio, and have added it to the list of changes to discuss. As well, I have added your correspondence to our file. We are still in the process of evaluating the legislation and as I'm sure you are aware these things are evolutionary. If you have any other concerns or views you would like to communicate, feel free to contact me at the above e-mail address.

Thanks,

Justin Carro, Staff for Re. Lancaster

Justin Carro <Justin_Carro@legis.state.ak.us>

Intern

Rep. Lancaster

Subject: HB 295

Date: Sat, 19 Jan 2002 10:09:40 -0900

From: Ron Johnson <eralaska@alaska.net>

To: Representative_Ken_Lancaster@legis.state.ak.us

>
>Hello from beautiful downtown Kenai. . .it's back to work time. . .and
>that's a good thing. . .I would like to cast my humble vote against the
>cell phone legislation. . .you and I know that there are folks that are
>just gonna keep on keeping on. . I would guess if the numbers were known,
>designer coffee causes more problems. . after all if you drop your cell
>phone in your lap at least it's not hot. . . Thanks for listening. . rj

>
>Ron Johnson, Broker
>610 Attla Way, Suite 10
>Kenai, AK 99611
>In state 800 478 7755
>Out of state 800 372 2527
>direct 907 398 3721
>

Cell phone ban.

Subject: Cell phone ban.

Date: Mon, 07 Jan 2002 13:07:18 -0900

From: Kermit Whittemore <kdetroit@ptialaska.net>

To: Representative_Ken_Lancaster@legis.state.ak.us

Greetings Representative Lancaster,

I heard part of a news story on Alaska Public Radio Network this morning about 'cell phone ban while driving legislation' you are sponsoring. Yea... and good for you.

I pursued getting 'cell phone ban while driving legislation' put on the local city ballot as an advisory question in October's city elections in Sitka.

I did nothing more than pursue getting it on the ballot. I did not buy any advertising nor organize a lot of people either way except for possibly one letter to the editor of the local newspaper. I relied on common sense.

The vote went down by a 55% to 45% vote. Pretty close really. What is more significant is I have had people tell me that since the vote, being made aware that there could be a problem they have significantly curtailed use of their phone while driving.

I see in the news that New Jersey is now considering the ban.

Check out this web page for great information and ammunition:

<http://www.geocities.com/morganleepena/rebuttal.htm>

And thanks for thinking about the safety of the people of Alaska.

Kermit Whittemore
Sitka

Subject: [Fwd: Cell phone questions]

Date: Wed, 30 Jan 2002 14:17:14 -0900

From: Justin Carro <Justin_Carro@Legis.state.ak.us>

Organization: Alaska State Legislature

To: Representative Ken Lancaster <Representative_Ken_Lancaster@Legis.state.ak.us>

Hey Ken,

I got with the troopers and asked them the question regarding inattentive driving. I spoke with Lt. Laveque. He got back with me on the requested information. The web address for Statute Sec. 28.35.040, Reckless driving. And Sec. 28.35.045, Negligent driving. is http://old-www.legis.state.ak.us/cgi-bin/folioisa.dll/stattx01/query=*/doc/{@10319}?

Subject: Cell phone questions

Date: Wed, 30 Jan 2002 13:58:14 -0900

From: Matt Leveque <matthew_leveque@dps.state.ak.us>

Organization: Department of Public Safety

To: Justin Carro <Justin_Carro@Legis.state.ak.us>

CC: Royce B Weller <royce_weller@dps.state.ak.us>,
Julia P Grimes <julia_grimes@dps.state.ak.us>,
Donald H Bowman <donald_bowman@dps.state.ak.us>,
Randy Crawford <randy_crawford@dps.state.ak.us>

Mr. Carro:

Here is the information for Representative Lancaster:

- 1) Data regarding motor vehicle collisions related to cellular phone usage has not been captured in the past. The old form (12-208) didn't have any blocks related to cell phones.
- 2) Starting in 2002, a new form (12-200) was introduced. It does permit the listing of cell phone usage as a human related causal factor. Data from calendar year 2002 will not likely be available (per Alaska Highway Safety Planning Agency) until late 2003.
- 3) Current statutes and regulations permit troopers / officers to cite individuals for inattentive driving a variety of ways depending on the severity of a collision or other circumstances:

AS 28.35.040 Reckless Driving
AS 28.35.045 Negligent Driving
13 AAC 02.545 Drivers to Exercise Care

I am sure there are other regulations that might apply but which don't come immediately to mind. Nevertheless, there is one clear additional option. We might cite someone for their bad driving while they were distracted. For example, if a person drove through a stop sign, we might not be able to do anything related to the cell phone; but we could cite them for the behavior (running the stop sign) caused by any distraction related to cell phone usage.

Please let me know if you would like more information. I can fax you a copy of the new accident investigation form if you need it.

[Fwd: Cell phone questions]

matt

--

Lt. Matt Leveque, Alaska State Troopers
Commander, Department of Public Safety Training Academy
877 Sawmill Creek Highway, Sitka, AK 99835
desk: (907) 747-6611 ext. 223
fax: (907) 747-5606
email: matthew_leveque@dps.state.ak.us

Justin Carro <Justin_Carro@legis.state.ak.us>

Intern

Rep. Lancaster

Col. Crawford

MEMORANDUM

State of Alaska

TO: Colonel Crawford
Director
Department of Public Safety

DATE: January 17, 2002

TELEPHONE: (907) 747-6611 x 222

FAX: (907) 747-4555

FROM: Sgt. Lee R. Oly
Deputy Commander
Public Safety Academy

SUBJECT: Cell Phone Usage

Lt. Roberts is at the Academy today and he and I came up with the below statement:

"Not to operate a cellular phone while in transit and on the normal travel portion of the roadway"

Ms. Reynolds and I extensively researched numerous internet sites and found that only three states (Florida, California, and Massachusetts) have cell phone usage laws. I conversed directly with the first community to initiate cell phone usage laws, Brooklyn, Ohio and later contacted Dade County, Florida. There are numerous other states that have legislation pending. In all cases the language used in the bill(s) referred to violation of cell phone use when "driving" not "operating." By using the term "driving" they avoided the same or similar conflict we would have by using "operate" and its connotation of being in control, even if the vehicle is turned off and along side the roadway.

Definitions:

TRANSIT: "An act, process, or instance of passing through or over" (Webster's Dictionary). ..."significance of activity and motion and direction". (Black's Law Dictionary, 5th ed.) [If they were parked along side the road, they would have activity and direction, but not motion]

ROADWAY: "The part of the roadway intended for vehicular travel". "It does not include paved or otherwise improved shoulders or what is sometimes called the breakdown lane." (The Traffic Accident Investigation Manual, 9th ed.) **

**Keeping in mind that if the cellular phone user is permitted to pull onto the shoulder of the road he/she could be in violation of 13AAC 02.34C, where "stopping, standing or parking on a highway and other locations is not permitted unless it is greater than eight feet from the roadway, unless roadway is of sufficient width to allow parking without interfering with normal flow of traffic...." (Alaska Criminal and Traffic Law Manual)

*LT. ROBERTS
JANUARY 17, 2002
LAWS*

JON S. CORZINE
NEW JERSEY

United States Senate

WASHINGTON, DC 20510-3004

SENATOR JON CORZINE
FAX COVER SHEET

DATE: _____

TO: Justin

FROM: Bob

FAX NUMBER: (907) 465-3835

NUMBER OF PAGES (INCLUDING COVER): 2

RE: 1 page on 5.927

Please call (202) 224-4744 if you experience problems with this transmission. Thank you.

S. 927 – “The Mobile Telephone Driving Safety Act of 2001”
Sponsored by Senator Jon S. Corzine (D-NJ)

S. 927 would require states to enact laws that restrict the use of mobile telephones during the operation of a motor vehicle. The bill is pending in the Senate Committee on Environment and Public Works.

Bill Summary

1. **General Rule:** The bill would require states to prohibit an individual from operating a mobile telephone while driving, except in the case of an emergency or other “exceptional circumstances”.
 - **Exceptional circumstances:** States would define such exceptional circumstances, which could include, for example, calls to 911, or calls to report accidents.
 - **“Hands-free” phones:** The bill would allow the use of a cell phone with “hands-free” technology if the state determines that this does not pose a threat to public safety.

2. **Enforcement:** States that do not enact such restrictions face the loss of federal highway funds.
 - For the first year a state does not enact such a law, the Secretary of the DOT shall withhold five percent of highway funds.
 - For each subsequent year of noncompliance, the Secretary shall withhold 10 percent of funds.
 - For up to four years after the initial withholding, any withheld funds can be reclaimed if the state complies by enacting a cell phone safety law. After that, any funds withheld would be distributed to states that are in compliance.

THIS SEARCH	THIS DOCUMENT	GO TO
Next Hit	Forward	New Bills Search
Prev Hit	Back	HomePage
Hit List	Best Sections	Help
	Doc Contents	

GPO's PDF version of this bill	References to this bill in the Congressional Record	Link to the Bill Summary & Status file.	Full Display - 5,073 bytes. [Help]
--	---	---	--

Mobile Telephone Driving Safety Act of 2001 (Introduced in the Senate)

S 927 IS

107th CONGRESS

1st Session

S. 927

To amend title 23, United States Code, to provide for a prohibition on use of mobile telephones while operating a motor vehicle.

IN THE SENATE OF THE UNITED STATES

May 22, 2001

Mr. CORZINE introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to provide for a prohibition on use of mobile telephones while operating a motor vehicle.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Mobile Telephone Driving Safety Act of 2001'.

SEC 2. MOBILE TELEPHONE USE WHILE OPERATING MOTOR VEHICLES.

(a) IN GENERAL- Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

Sec. 165. Mobile telephone use while operating motor vehicles

(a) DEFINITION OF MOTOR VEHICLE- In this section, the term 'motor vehicle' means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated only on a rail.

(h) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE-

(1) FISCAL YEAR 2004- The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2003, if the State does not meet the requirements of paragraph (3) on that date.

(2) SUBSEQUENT FISCAL YEARS- The Secretary shall withhold 10 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (4) of section 104(b) on October 1, 2004, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

(3) REQUIREMENTS-

(A) IN GENERAL- A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that prohibits an individual from using a mobile telephone (other than a mobile telephone used as described in subparagraph (B)) while operating a motor vehicle, except in the case of an emergency or other exceptional circumstance (as determined by the State).

(B) HANDS-FREE DEVICES- A State law described in subparagraph (A) may permit an individual operating a motor vehicle to use a mobile telephone with a device that permits hands-free operation of the telephone if the State determines that such use does not pose a threat to public safety.

(c) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE-

(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS- Any funds withheld under subsection (b) from apportionment to any State shall remain available until the end of the fourth fiscal year following the fiscal year for which the funds are authorized to be appropriated.

(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE- If, before the last day of the period for which funds withheld under subsection (b) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (b) that remain available for apportionment to the State.

(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS-

(A) IN GENERAL- Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned.

`(B) TREATMENT OF CERTAIN FUNDS- Any funds apportioned under paragraph (2) that are not obligated at the end of the period referred to in subparagraph (A) shall be allocated equally among the States that meet the requirements of subsection (a)(3).

`(4) EFFECT OF NONCOMPLIANCE- If, at the end of the period for which funds withheld under subsection (b) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), the funds shall be allocated equally among the States that meet the requirements of subsection (a)(3).'

(b) CONFORMING AMENDMENT- The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

`165. Mobile telephone use while operating motor vehicles.'

<i>THIS SEARCH</i>	<i>THIS DOCUMENT</i>	<i>GO TO</i>
Next Hit	Forward	<u>New Bills Search</u>
Prev Hit	Back	<u>HomePage</u>
Hit List	Best Sections	<u>Help</u>
	Doc Contents	

Welcome!

Netscape
 Mail
 Maps
 Search
 Shopping
 Netscape F

CNN.com / SCI-TECH

SEARCH

- MAIN PAGE
- WORLD
- U.S.
- WEATHER
- BUSINESS
- SPORTS
- POLITICS
- LAW
- SCI-TECH
- SPACE
- HEALTH
- ENTERTAINMENT
- TRAVEL
- EDUCATION
- IN-DEPTH



- QUICK NEWS
- LOCAL
- COMMUNITY
- MULTIMEDIA
- E-MAIL SERVICES
- CNNtoGO
- ABOUT US

- CNN TV
- what's on
- show transcripts
- CNN Headline News
- CNN International
- askCNN

- EDITIONS
- CNN.com Asia
- CNN.com Europe
- CNNenEspanol.com
- set your edition

Languages

 Time, Inc.



Motorola offers hands-free car phone device

January 8, 2002 Posted: 8:43 AM EST (1343 GMT)



LAS VEGAS, California (Reuters) -- Wireless technology giant Motorola Inc. Monday introduced a new hands-free phone system for cars that will allow drivers to make calls from their regular cell phones using voice commands.

Motorola's product uses a new technology called Bluetooth, which provides a wireless connection to a cell phone. The technology is incorporated into a car kit that includes a speaker, microphone and control panel and is installed into a car dashboard.

- SAVE THIS
 EMAIL THIS
 PRINT THIS
 MOST POPULAR

The Chicago area-based firm said consumers will be able to activate the phone system by just starting the car. The activated system will then automatically connect to the cell phone, making hands-free calls possible.

The cell phone can be anywhere in the car, within 30 feet of the car kit, in order to be connected.

Drivers can use simple verbal commands to place calls.

The hands free carkit system, which is expected to be available in the second quarter, offers 100 voice activation numbers and is compatible with phones that don't support voice recognition.

Motorola said that it will also introduce a headset incorporating the same Bluetooth technology, allowing cell phone users to make hands free calls from any location. The headset is expected to be available in the first quarter with a suggested retail price of \$199.

The ability to make phone calls hands-free while driving has become important as dozens of states are considering bans on using handheld cell phones while driving. New York state was the first state to put such a ban into effect late last year.

Separately, Motorola also unveiled its first cell phone model in the United States for Qualcomm Inc.'s next generation wireless network called CDMA 2000 1X. CDMA 1X offers high-speed, always-on Internet connectivity.

Motorola has already introduced three CDMA 1X cell phones in Korea.

[Caves of A](#)
[Euro: Rea](#)
[Entertain](#)
[Simple E-](#)

INHI

INHI

CELLPHONES AND DRIVERS: AN ALMANAC

5 million – approximate number of U.S. cellphone subscribers, 1990.

110 million – approximate number, 2000.

\$81 – average monthly cellphone bill, 1990.

\$45 – average bill, 2000.

21,000 – people employed by the cellphone industry, 1990.

185,000 – number employed, 2000.

500,000 – estimated number of drivers of passenger vehicles on U.S. roads talking on a hand-held cellphone at any one time during daylight hours. This equates to about 3 percent of all drivers of passenger vehicles and is higher on weekdays than weekends.

4.7 – percentage of drivers of vans and SUVs on American roads talking on a hand-held cellphone during rush hours.

8 – percentage of drivers of vans and SUVs talking on a cellphone during non-rush hours. This is the highest rate of hand-held-cellphone use by all vehicle drivers and is highest particularly in the Midwest and South.

3.2 – percentage of male drivers of vans and SUVs talking on a hand-held cellphone at any one moment.

6.1 – percentage of female drivers. The comparable rates for all vehicles are 2.7 percent for males, 3.4 for females.

2.3 – percentage of black drivers talking on a hand-held cellphone while driving a passenger vehicle.

3.7 – percentage of white drivers (1.7 percent for other races).

15 – number of states that collect data on whether a hand-held cellphone was present in a vehicle involved in a crash (Alaska not among them).

8 – number of states where a state or city government has enacted restrictions on the use of hand-held cellphones by drivers (Alaska not among them).

1 – number of states that completely ban the use of hand-held cellphones by vehicle drivers except in emergencies (New York).

24 – countries that restrict or ban the use of hand-held cellphones by vehicle drivers.

■ Sources: "Statistical Abstract of the United States: 2001," released Thursday by the U.S. Commerce Department's Census Bureau; the National Highway Traffic Safety Administration; the National Association of Governors' Highway Safety Representatives.



■ Selected data from the "Statistical Abstract of the United States: 2001," which was released Thursday, are available on the Web site of the U.S. Census Bureau.

www.census.gov/statab/www

■ The National Association of Governors' Highway Safety Representatives offers a summary of laws passed by 14 states governing cellphone use by drivers.

www.statehighwaysafety.org/htm/state_info/cellphone_laws.htm

■ The National Highway Traffic Safety Administration offers "Passenger Vehicle Driver: Cell Phone Use," the results from a fall 2000 survey (which has a sampling error). To download the survey, go to the "Research Notes" menu at the following location:

www.nrd.nhtsa.dot.gov/departments/nrd30/ncsa/AvailInf.htm

Or use the following URL:

www.nrd.nhtsa.dot.gov/pdf/nrd30/NCSA/RNotes/2001/801293.pdf

AUCHE DAILY

Subject: Driver on Phone At Time of Crash (washingtonpost.com)

Date: Mon, 04 Feb 2002 09:06:05 -0900

From: Matt Gill <Matt_Gill@legis.state.ak.us>

Organization: Alaska State Legislature

To: Representative Ken Lancaster <Representative_Ken_Lancaster@legis.state.ak.us>

FYI-

<http://www.washingtonpost.com/wp-dyn/articles/A18231-2002Feb3.html>

washingtonpost Personalize Your Post | Go to mywashington

Home News OnPolitics Entertainment Live Online Camera Works Marketplace WashingtonJol

The Washington Post ONLINE

- News Home Page
- Nation
- World
- Metro**
- Schools
- Crime
- Government
- Traffic
- Lottery
- Obituaries
- Religion
- Columnists
- The District
- Maryland
- Virginia
- Schools
- Crime
- Government
- Alexandria
- Arlington
- Fairfax
- Falls Church
- Fauquier
- Loudoun
- Pr. William
- Stafford
- Special Reports
- Photo Galleries
- Live Online
- Metro Index
- Business
- Washtech
- Sports
- Style

Driver on Phone At Time of Crash

NTSB Investigation Widens In Fatal Beltway Accident

By Avis Thomas-Lester
 Washington Post Staff Writer
 Monday, February 4, 2002; Page A01

The driver of the Ford Explorer that caused Friday's five-fatality crash on the Capital Beltway was on a cell phone with her boyfriend, from whom she had become separated in traffic, when she lost control of the vehicle and hurdled over a guardrail into oncoming traffic, National Transportation Safety Board investigators said yesterday.

NTSB officials said that Dawn Richardson, 20, of Arlington, one of those killed, purchased the 1998 Ford Explorer on Friday and was driving it for the first time as she followed her boyfriend to his parents' home in Prince George's County, a route unfamiliar to her.

A source familiar with the investigation said that the boyfriend, who was not identified, heard Richardson yell and that the call then disconnected. The source said the man then drove back to find out what had happened and came upon the accident scene.

NTSB spokesman Ted Lopatkiewicz said the crash is the first in which the federal agency has singled out the use of a cell phone as a possible factor. The board is also looking into whether there were design flaws in



NTSB engineers survey traffic section of I-95 where the accident occurred. (Michael Robinson-Chavez - The Washington Post)

- [What's Your Opinion?](#)
- [E-Mail This Article](#)
- [Printer-Friendly Version](#)
- [Subscribe to The Post](#)

SEARCH:
 News
 Search Options

SPECIAL AD
 SEC

- [Wine](#)
- [Finance](#)
- [Beer](#)
- [Eye](#)
- [Bar](#)
- [Ref](#)
- [We](#)
- [Ser](#)
- [Sports](#)
- [Rec](#)
- [Cul](#)
- [Act](#)
- [Par](#)
- [Orc](#)

- Education
- Travel
- Health
- Real Estate - NEW
- Home & Garden
- Opinion
- Weather
- Weekly Sections
- News Digest
- Classifieds
- Print Edition
- Archives
- Site Index
- Help

factor. The board is also looking into whether there were design flaws in the Beltway's median guardrails, which failed to stop the Explorer as it crossed the 55-foot median and may have helped launch the sport-utility vehicle onto an oncoming minivan.

"Some of the issues we are looking at are the fact that the [Explorer] crossed the median and overrode the barrier," said Dave Rayburn, the NTSB's investigator in charge of the case. "The other is cell phone use. Witnesses said the victim was on a phone conversation two or three minutes at the time of the crash."

Most states have considered or are considering some ban on drivers using cell phones; New York has banned the use of hand-held cell phones while driving. The first criminal case involving a traffic accident blamed on cell phone use was tried in Prince George's 14 months ago. The defendant in the case, who was charged with two counts of vehicular manslaughter, was found guilty of negligent driving but not responsible for the deaths of a Long Island couple.

Lopatkiewicz said NTSB investigators instituted protocols for considering cell phone use after responding to a fatal crash in Illinois a month ago; a man believed to have been on a phone drove into the path of a truck and was killed.

"This is the first major accident we are investigating where cell phone use will be an issue. We expect down the road to investigate more crashes involving cell phones as they come up," he said.

Also yesterday, Maryland State Police officials identified the four Canadians killed when Richardson's Explorer crashed into their white 2001 Ford Windstar minivan at 8:07 p.m. Friday.

They were Julien Laliberte, 67, the driver; his brother Laurent, 66, the front-seat passenger; Laurent's wife, Huguette, 62; and Yolande Rogers, 62, Julien Laliberte's girlfriend.

Julien Laliberte, the only one in the van not wearing a seat belt, was ejected, officials said. Laurent and Huguette Laliberte lived in Sorel-Tracy, Quebec, about 40 miles north of Montreal. Julien Laliberte and Yolande Rogers lived in Pierrefonds, about 20 miles west of Montreal, authorities said.

Ann Sheridan, the daughter-in-law of Laurent and Huguette Laliberte, said the couples left Montreal on Friday morning bound for a three-week vacation in St. Petersburg, Fla. They were scheduled to arrive in Florida on Saturday night and were not expected to check in with relatives for several days.

"They were very excited about going where it was warm and playing golf and just enjoying retirement," Sheridan said. "The brothers were very close. They spent a lot of time together. They had both recently



retired and started playing golf last year."

Sheridan said she was home alone Saturday when Sorel-Tracy police came to her house.

She said she called a friend who was with her husband, Martin, at a pool tournament and told him to bring him home. "Martin did not know what had happened, but he knew something was wrong, because I had told the friend the police were here. He did not know it was both his parents."

Laurent Laliberte had worked in a hardware store, and Huguette stayed home to raise their three children. They had six grandchildren. Julien Laliberte, who had worked in construction, had five children and several grandchildren.

Sheridan said the brothers were from a family of 14 children. Two of their brothers lived in Florida. Their father turned 100 this year and lives in Quebec, Sheridan said.

At a news conference yesterday, Rayburn said that a team of eight investigators is expected to conclude the local investigation within six days and file its report within a year. At that time, the NTSB may issue a recommendation on the use of cell phones by drivers, he said.

The investigators include automotive, human performance and psychology experts. They are reviewing maintenance records and Richardson's driving and medical records. Results of toxicology tests, done by the Maryland state medical examiner, will also be used. A preliminary inquiry showed "no history of serious [driving] violations" by Richardson, Rayburn said.

Rayburn said that Richardson purchased the vehicle Friday from an Alexandria dealership and was talking to her boyfriend -- who was some distance ahead of her -- after they became separated in traffic on the Beltway.

Just south of Central Avenue, the Explorer made "an abrupt maneuver . . . steering and/or braking, and lost control in the median," he said. The Explorer traveled "sideways through the median" and then "vaulted and . . . collided with the Windstar," he said.

NTSB investigators said Richardson's Explorer jumped one guardrail and crossed the grassy median, the dip of which caused the vehicle to vault into the air. It then hit four posts of the guardrail on the southbound side and careered into the top of the minivan.

Investigators are looking into why the guardrail didn't stop the SUV. Rayburn said that national guidelines do not require a guardrail in a median the size of the one at the crash site, which he estimated at 55 feet wide. They will review state median barrier requirements with Maryland

transportation officials.

When asked whether the guardrail should have stopped the Explorer, Rayburn responded: "Not the way it is designed right now."

© 2002 The Washington Post Company

Related Links

Prince George's News

[BANKRUPTCIES](#) (The Washington Post, 2/4/02)

[FEDERAL CONTRACTS](#) (The Washington Post, 2/4/02)

[Metts's Firing Ruled Improper](#) (The Washington Post, 2/4/02)

[More Prince George's News](#)

Arlington News

[3 Teens Killed in Crash in Arlington](#) (The Washington Post, 2/4/02)

[Investing in a Success Strategy](#) (The Washington Post, 2/4/02)

[MicroStrategy's Shares Rise on Pro Forma Profit](#) (The Washington Post, 2/4/02)

[More Arlington News](#)





Alaska State Legislature

Please enter into the record my testimony to the 17 Judiciary
committee name

Committee on H 295 Cell phones, dated 03/18/02
bill # / subject

I oppose this bill.

Cell phones are very useful. They are also a
major distraction.

If we wish to outlaw all distractions then
we would also have to outlaw car radios, food
Heaters, stereos, CD Players, children and
other passengers in a vehicle.

we would also have to outlaw outside
distractions such as Moose, whales, eagles
and pretty girls.

we already have restrictions against driving inattentively.
Please let this bill die a deserved death.

Signed: ^{Thank you} William R Parker Phillip R Park
Testifier

Self
Representing (optional)

35307 Rabbit Run Rd, Soldotna, AK, 99609
Address

(907) 262-7677
Phone number

I oppose this bill.

We already have laws on the books making drivers responsible for their actions. This bill is directed at only one possible distraction to driving. If the legislature wishes to outlaw all forms of distraction to driving then eating, drinking (coffee - soft drinks), smoking, listening to sound systems, changing radio stations - CDs - cassettes, adjusting radio - temperature controls - headlights or wipers all must be prohibited inside the vehicle. Pretty girls in sexy clothes/ young guys in tight jeans, moose and other wild life, pretty scenery, antique automobiles, weather of any kind and anything else outside the vehicle that might distract the driver must also be outlawed. There is no way that you can legislate all of the distractions that a driver faces. In a recent report in one of the local papers, cell phones ranked down near the one to two percent range for causing accidents. Changing the radio or a cassette was far higher on the contributing factors. Dropped cigarettes were even higher.

This bill would only saddle us with another unenforceable law. Our troopers and city police are already overloaded with unenforceable and unenforced laws. Do we need any more? I don't think so.

William R. Parker

William R Parker

35367 Rabbit Run Road

Seldovia, AK 99669

907 262-7677

SELF

04/06/02

Commonwealth of Pennsylvania Joint State Government Commission December 2001*Driver Distractions and Traffic Safety***Findings: Statutory restriction of phone use in cars is not justified by current data.**

According to the Department of Transportation, wireless phones accounted for only 5.2% of distraction-related crashes, representing 0.4% of all crashes, reported from 1999-2000. The Commission found that the distraction of other occupants accounted for twice as many crashes as phones and concluded that statutory restriction of phone use in cars is not justified by current data. The Commission concluded that a corrective policy is most likely to succeed if it is based on reliable data, which will ensure any regulatory response will actually increase safety.

**Virginia Commonwealth University Transportation
Safety Training Center**

December 2001

*Driver Inattention and Driver Distraction Study - www.vcu.edu/cppweb/tstc/sr15.html***Findings: Insufficient evidence to warrant cell phone restrictions.**

Based on an analysis of crash report forms, "driver inattention" ranks as the top cause of all car crashes in Virginia. The greatest majority (17%) was found to result from driver fatigue/falling asleep. The report concludes that there is insufficient evidence to warrant cell phone restrictions in Virginia. "The findings in this Special Report suggest that further research and analysis are needed before possible remedial action, such as legislative action, can be made."

George Mason University for the Virginia General Assembly

November 2001

*Distorted Driving: Review of Current Needs, Efforts and Recommended Strategies - www.caph.gmu.edu***Findings: Research on distracted driving does not support current legislative initiatives to restrict phone use in cars or to require hands-free use.**

GMU researchers found that available research on distracted driving does not support current legislative initiatives to restrict phone use in cars or to require hands-free use. The report concludes that legislative efforts should focus on increased data collection and education. "Recent media attention to the issue of cellular phone use while driving has generated pressure for state legislators to create laws to protect drivers and other users of roadways from motor vehicle crashes associated with cellular phone use, yet a consistent body of research evidence to support restrictive legislation does not exist."

Texas Transportation Institute

February 2001

*The Extent and Effects of Handheld Cellular Telephone Use While Driving - <http://swutic.tamu.edu/Reports/167706-1.pdf>***Findings: More data and research is necessary to fully understand all sources of driver distraction.**

The report calls for more data and research to fully understand and identify all sources of driver distraction and to gain a clearer picture of the relationship between wireless phone use and car accidents. "Drivers, researchers, device manufacturers, and automobile manufacturers are encouraged not to be cognitively myopic in thinking a decrement in driving performance only occurs when a cellular telephone is used. On the contrary, driving performance can be compromised by the growing number of distractions in and outside of vehicles." Results from simulated driving tests led researchers to conclude that conversation intensity is not a significant factor in driver performance and hands-free devices have no immediate benefit over hand-held wireless phones. "Though expected to be a significant factor, cellular telephone use mode (handheld v. hands-free) was not significant. The hands-free mode showed no immediate benefit over the handheld mode."

Harvard University Center for Risk Analysis

July 2000

*Cellular Phones and Driving: Weighing the Risks and Benefits - <http://www.hsph.harvard.edu/pdf/cellphones.pdf>***Findings: "Efforts to make public policy now, based on modest scientific evidence, are likely to produce ill-informed decisions that may do society more harm than good."**

The report found that risks associated with phone use while driving were small compared to other daily risks, while the benefits offer potential improvements in public health and safety. The report concludes that it is premature to enact legislative restrictions, calling for more research to enable an informed, rational policy on phone use while driving. "Before major policy decisions are made about cellular phones, government and industry should work together to produce a richer body of knowledge on both the risks and benefits of using cellular phones while driving. Efforts to make public policy now, based on modest scientific evidence, are likely to produce ill-informed decisions that may do society more harm than good."

Responsible wireless phone use in cars is an issue that AT&T Wireless takes very seriously. We know that wireless phones can make roads and communities safer when people report accidents or hazardous situations. For example, in 2000 nearly 140,000 9-1-1 calls were made each day from wireless phones. We also recognize that wireless phones can be distracting if used irresponsibly while driving and that a driver's first priority behind the wheel must be the safe operation of that vehicle.

Driver distraction is a complex issue with no single solution. However, AT&T Wireless believes a three-pronged approach is most effective: 1) public education; 2) technological advancements; and 3) laws that deter and penalize irresponsible driving, regardless of the cause.

Public Education

AT&T Wireless is actively engaged in several important educational and public awareness initiatives designed to promote the responsible use of phones in cars. For example:

- AT&T Wireless provides guidelines for responsible use through paid advertising; media outreach; public service announcements; wireless service guides, manuals and product packaging; bill inserts; point of purchase displays; and an interactive website (www.attwireless.com) that provides information about distracted driving and tips for responsible phone use while driving.
- In 2001, AT&T Wireless spent more than 7 million dollars on dedicated driver safety efforts. These efforts included nationwide radio traffic sponsorships that provide tips to help drivers manage phone use responsibly, community outreach activities on the state and local level, and an outdoor advertising campaign featuring our "Arrive Safely" message on billboards located on Interstates/expressways and major arteries across the country. *(Note: In addition, the AT&T Wireless "Arrive Safely" logo is integrated into all AT&T Wireless print advertising, wireless service guides, manuals, product packaging, brochures and bill inserts.)*

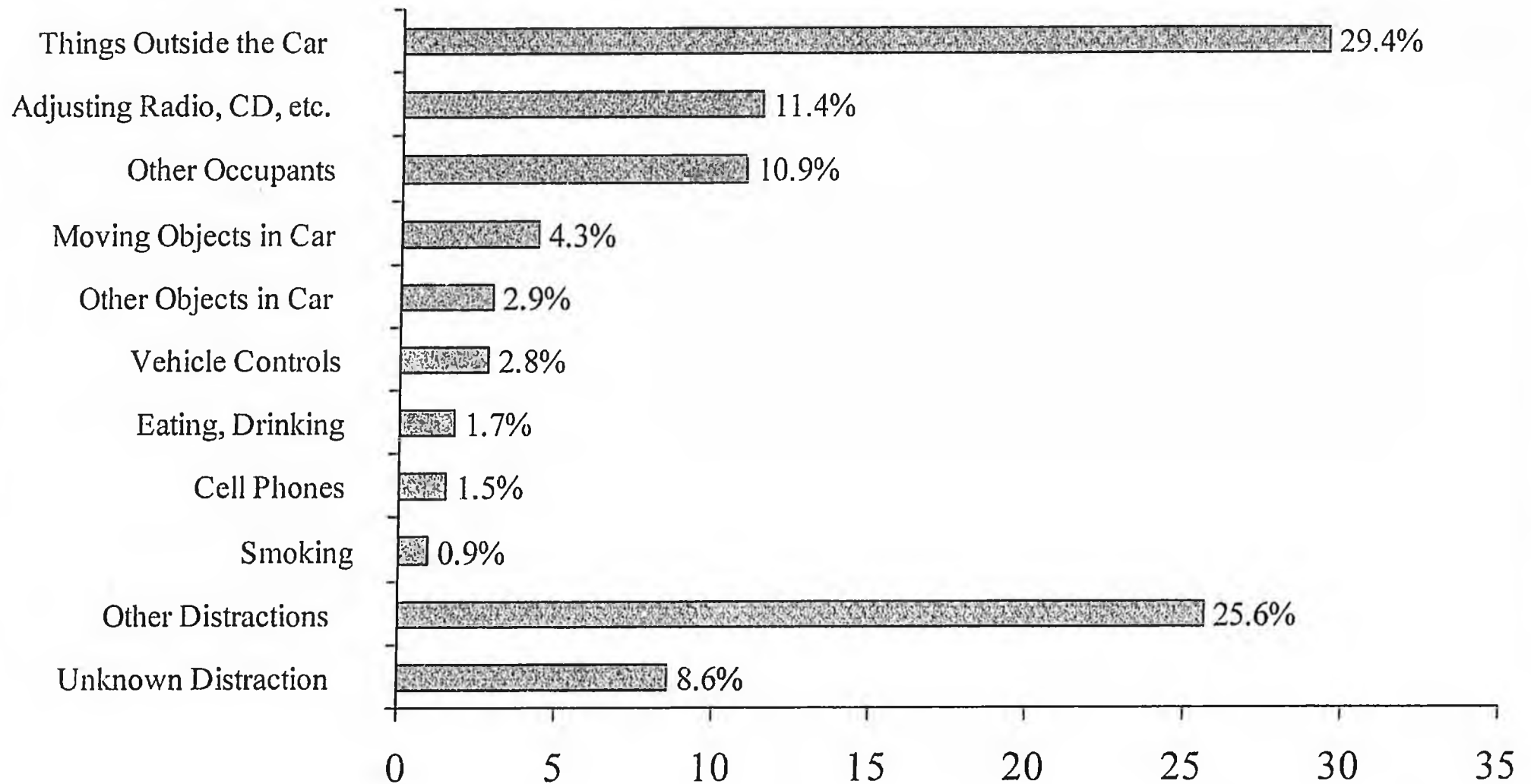
Technology

- Technology plays a key role in addressing safety concerns raised by wireless phone use in vehicles. AT&T Wireless offers a range of services and products, such as voice mail, hands-free devices and one-touch dialing to help customers manage their phone use responsibly.
- AT&T Wireless now includes a hands-free earpiece with all phones we sell. In September 2001, AT&T Wireless became the first company in the United States to offer customers nationwide the choice and convenience of using their wireless phones hands-free, with a coupon for a free earpiece.
- AT&T Wireless is exploring new and improved technologies and services, such as voice activation, to help customers more conveniently manage phone use.

Law

- AT&T Wireless believes that people who drive irresponsibly for any reason, including while using their wireless phone, should be penalized. For this reason, we support vigorous enforcement of existing reckless and careless driving laws.
- AT&T Wireless agrees with the traffic safety professionals and researchers who have found that education, not regulation, is the most effective way to improve drivers' habits behind the wheel and manage potential distractions. To that end, AT&T Wireless supports statewide legislation that prohibits inattentive driving caused by people using electronic devices, including wireless phones, or other distractions. By adopting such laws, states will be better prepared to address the safety concerns raised by the ongoing deployment of new technologies in vehicles.

What distracts drivers?



Source: AAA Study: The Role of Driver Distraction in Traffic Crashes, May 2001