

HB

255

<TARGET><BILL>HB 255</BILL><SUBJECT>HB
255</SUBJECT><COMM>HTRA27</COMM></TARGET>

ALASKA STATE LEGISLATURE



REPRESENTATIVE BILL THOMAS
REPRESENTATIVE LES GARA

To: Representative P. Wilson
From: Representative Bill Thomas
Representative Les Gara
Re: HB 255 Hearing Request
Date: January 17, 2012

Dear Representative Wilson:


We respectfully request a hearing on HB 255 in the House Transportation Committee. Accompanying this request are the required materials for the bill hearing.

Rose Foley, aide to Rep. Gara, is the contact person for this legislation. She can be reached at 465-2647.

Please contact either office if you need any additional information or have any questions.

Sincerely,


Representative Bill Thomas


Representative Les Gara

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA
REPRESENTATIVE BILL THOMAS

House Bill 255 Sponsor Statement

Alaska's Ban on Texting, and Other Typing and Reading Words on Video Screens.

In December of 2011 one court ruled that Alaska's current law, which bans looking at video screens and increases the criminal penalties for injuries when they are caused by that conduct, was not worded clearly. Other courts have indicated they may rule similarly. The ruling stated that the current law did not bar texting while driving a moving vehicle.

This bi-partisan legislation reestablishes what the 2008 Legislature intended – that typing or reading messages on a video screen is covered by Alaska law as criminal conduct. It is widely recognized that texting while driving a vehicle can kill or severely injure innocent people, as well as the driver. This bill is crafted to remain consistent with the existing legislation. It exempts certain emergency uses and mapping devices, and simply adds that the law passed in 2008 banning using video screens in a moving vehicle also includes a ban on typing or reading on a computer, cell phone, or other video or computer screen in a moving vehicle. The language is written so that similar activities on social media sites will be covered, and prohibited while people are driving a vehicle.

The bill recognizes that other legislators have filed legislation on a separate subject – talking on and dialing cell phones while driving. Alaska currently has no per se ban on that activity. This bill does not address that issue at all. It leaves the debate on that subject for the bills on that subject that have been filed. The bill is simply aimed at clarifying the law passed in 2008 so that activity such as texting or reading texts is banned.

LEGAL SERVICES

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MEMORANDUM

January 17, 2012

SUBJECT: Sectional Analysis of HB 255 (Work Order No. 27-LS1165V)

TO: Representative Les Gara
Attn: Rose Foley

FROM: Doug Gardner
Director 

You have requested a sectional summary of HB 255. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Section one of the bill amends the uncodified law of Alaska by adding a new section providing for a statement of purpose by the legislature regarding the bill. In essence, the statement of purpose reflects that while the legislature is of the opinion that AS 28.35.161 currently prohibits the use of a cellular telephone, computer, personal data assistant or any other similar means for texting or communicating while driving a motor vehicle, that the purpose of the bill is to further clarify that use of these types of devices in the manner currently provided by AS 28.35.161, is prohibited conduct.

Section 2. Section two of the bill adds the phrase "while texting, while communicating on a computer" to AS 28.35.162(a) to clarify that texting or communicating on a computer is included as prohibited conduct by the existing language of the bill." Section two of the bill also splits the offense into two prosecution theories of prohibited conduct. The first theory utilizes the existing language of the statute regarding the prohibited conduct of driving a motor vehicle while the vehicle has a television, video monitor, portable computer, or any other similar means capable of providing a visual display that is in full view of the driver in a normal driving position while the vehicle is in motion and the monitor or visual display is operating while the person is driving. The second prosecution theory added by the bill by adding a new subsection (a)(2) to AS 28.35.161, prohibits the conduct of driving a motor vehicle while the person is reading or typing a text message or other nonvoice communication on a cellular telephone, personal data assistant, computer or any other similar means capable of providing a visual display that is in view of the driver in a normal driving position while the vehicle is in motion and the person is driving.

Section 3. Section three amends the existing language of AS 28.35.161(b) to make the existing language of this subparagraph, which restricts installation of equipment set out in either AS 28.35.161(a)(1) or 28.38.161(a)(2), consistent with the additional language added by section two of the bill.

Section 4. This section of the bill replaces the existing use of the term "verbal" with "voice," to clarify that this bill continues, as AS 28.35.161 does at present, to allow the conduct of for example "voice" communication on a cellular telephone or other device, as distinguished from the existing prohibited conduct as clarified by section two of the bill, which includes texting, typing a text message or reading a text message, watching television etc., while driving.

DDG:plm
12-026.plm

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA
REPRESENTATIVE BILL THOMAS

House Bill 255 Expected Witnesses

- Representative from the District Attorney's Office
- Individuals yet to be identified. A full list of expected witnesses will be provided prior to the first hearing.

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Kenai Judge Throws Out Texting-While-Driving Case

December 22, 2011 | By Matthew Simon | Channel 2 News

KENAI, Alaska — A Kenai judge says the 2008 law intended to make texting-while-driving illegal is not enforceable.

The state's screen device law does not include the word "text." Lawmakers say by not mentioning texting in the part of the bill allowing people to talk on phones means it is an implied illegal action.

However, on Dec. 1 Magistrate Jennifer Wells cited the lack of the word texting as the specific reason for tossing out the case against a man charged with texting-while-driving.

"Whether the 25th Legislature did, indeed, intend the statute to prohibit texting, or whether the statute has gotten the reputation because legislators and law enforcement wish this were true, is perhaps irrelevant," Wells writes. "From the court's perspective, because A.S. 28.35.161 creates misdemeanor and felony penalties, it is particularly important that the statute be clear."

"And we all thought that included texting," says Rep. Les Gara, D-Anchorage. "We intended for that to include texting."

If a state appeal of Wells ruling fails, Gara plans on making a proposal.

"Probably the smartest thing to do is, and the quickest way to fix this for the legislature, is find a criminal bill that's about to pass. Add an amendment to it that clarifies that we meant for texting to be illegal while you're driving."

The amendment, Gara says, would have language specifying all typing while driving is illegal.

For Rep. Mike Doogan, D-Anchorage, that is not good enough.

"All of the evidence we have is letting people talk on the cell phone while driving is a bad idea, Doogan says.

Like the National Transportation Safety Board, Doogan wants an all out ban on drivers using cell phones. His bill, and others like it, have stalled in Juneau.

"The first time there is a four car pileup that kills a bunch of people, that bill's going to pass," Doogan says. "But do I think it's going to pass before that, not really."

Gara says he is just trying to remove politics from the process by focusing on what lawmakers intended to originally accomplish.

"We should not allow people to text while they're driving," Gara says. "That leads to death. That leads to serious injury."

Anchorage Police Spokesperson Marleen Lammers says the department has only issued 10 screen violation tickets for this year.

Department of Law lawyers disagree with the Kenai judge. According to Gara their lawyers say they still intend to continue prosecuting cases, and most state courts will continue to hear them.

House Finance Co-Chair Bill Stolze, R-Chugiak, was one of the few lawmakers who voted against this law back in 2008.

"I voted that way because the law failed to keep up with changing technology," Stolze says. "I don't know if his (Gara) proposal is well thought out because we haven't been effective at trying to define technology."

House Speaker Mike Chenault, R-Nikiski, agrees with Gara, saying the law was intended to stop texting-while-driving and should be revised if there is any lingering confusion.

"I can see that happening, if there's a question in the law," Chenault says. "Rep. Gara's solution would work."

However, when it comes to other cell phone bills stalling in the legislature, Chenault says there are already existing laws protecting drivers.



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"We don't need a law outlawing all cell phone use," Chenault says.



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Wed. Jan. 11:37 pm | 36° Overcast, light rain

Opinion

Tuesday, Jan. 10, 2012

It's time to explicitly ban texting while driving in Alaska

By Charles Ward

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A rather quirky decision by a Kenai judge last month created some wiggle room for those of us (yes, us, because I've done it too) who stupidly choose to text, email or Facebook while behind the wheel.

Fortunately, one of the first bills prefiled for consideration in the 2012 legislative session aims to tighten up any ambiguity in a law that certainly seemed on the surface to bar all kinds of silly behind-the-wheel activities, including texting.

Currently, Alaska state law prohibits driving if "the vehicle has a television, video monitor, portable computer, or any other similar means capable of providing a visual display that is in full view of a driver in a normal driving position while the vehicle is in motion; and ... the monitor or visual display is operating while the person is driving." While the law does have exemptions — 11 in fact — for screens that provide information like the car's status, GPS information and people making voice calls, texting is not given an express exemption. For most folks, texting without looking at a screen is all but impossible. Siri and other voice recognition software might change that, and perhaps there are some touch typists for tiny keyboards, but those special cases are 1) unusual and 2) don't violate the intent of the law, which is to keep drivers' eyes on the road, not on an electronic device.

Nevertheless, Magistrate Jennifer Wells ruled the law as written wasn't enough to explicitly ban texting while driving, the Associated Press reported on Dec. 25, 2011. Usually, the terms "activist judge" and "legislating from the bench" are code for "the judge ruled against my side," but here, it seems Wells is reading vagueness into the law that just isn't there. The AP reported she believed the law was vague because California wrote two separate laws, one covering distracting screens and the other banning texting. Why Wells decided to be persuaded by California's solution to a

problem Alaska's legislators answered for their own state is for her to answer. But it strikes of reaching for a different solution to a problem the Alaska Legislature had already figured out. Simply put, anyone who looks at a screen to text should have run afoul of Alaska's statute, and been subject to a citation if caught.

Regardless of whether the ambiguity is real or imagined, hopefully it will no longer exist come the Legislature's adjournment in April (May? June?). Reps. Les Gara and Bill Thomas have introduced House Bill 255, which explicitly bans texting while driving. Hopefully, it winds its way through the Legislature this term and onto Gov. Sean Parnell's desk for his signature, because texting while driving is a practice I and every other driver needs to end. It creates a great danger — not only to ourselves, but others on the road.

Distracted driving is a contributing factor in half, or 3 million, of the traffic accidents in the U.S. in a given year, according to AAA. Car and Driver magazine conducted a June 2009 test that suggested texting while driving (even just reading the texts) can be more dangerous than drunken driving. There's simply no way to keep both eyes on the road when typing on a tiny keyboard or reading a screen, and the practice needs to not just stop, but be stopped by law enforcement because of the danger created to everyone on the road, not just the texter/driver.

Many driving laws are tradeoffs between safety and convenience, otherwise we'd be required to drive 10-ton roll cages at 5 mph down Egan Drive after a daily inspection by a state trooper. At one extreme, the National Transportation Safety Board recently called for the outright ban of all cell phone usage while driving — talking, texting, hands-free, the works. A complete ban would be overkill and would face incredibly tough sledding in state legislatures. But a ban on texting while driving would get rid of one of the worst road distractions out there, while still leaving the convenience of mobile communication as an option. Texting while driving has been banned once in Alaska, but if it takes different wording in a new law to make the prohibition stick, it's worth the Legislature's time. Let's hope we see quick action on the Gara/Thompson bill this term.

• Charles Ward is Deputy Managing Editor of the Juneau Empire. His views do not necessarily reflect the views of its editorial board.

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Texting while driving: Legislature should clear up ambiguous law

12.27.11 - 11:50 pm

Editorial

Texting while driving is foolish.

It's dangerous.

It shows willful disregard for the safety of others.

Alaska's legislators and Gov. Sean Parnell apparently agreed on all of that when they approved a bill in 2008 outlawing texting while driving. At least, that's what they thought they were doing.

It turns out the law, according to a couple of judges, doesn't actually use the words "texting while driving." That led a Kenai judge to dismiss a case brought against a 21-year-old driver who had been charged under the law. And a judge in Fairbanks has advised magistrates to not accept cases brought under the law because of some ambiguity.

No one can possibly argue that texting while driving should be a permissible practice.

The fastest way to clear this up is for the Legislature to quickly approve clear language during its next session, which opens in January. The state is appealing the decision of the Kenai judge, but the judicial process can consume quite a bit of time before an issue is resolved. The Legislature can act quicker.

And it should.

The U.S. Centers for Disease Control and Prevention found in a 2010 study that 9 percent of U.S. drivers reported they "regularly" or "fairly often" text or email while driving. The agency also noted "Texting while driving is especially dangerous because it combines visual, manual and cognitive distractions."

The Legislature has already had the debate on this topic. There's no need to rehash the issue.

What is needed is a quick fix and some clear language so we can reduce the prevalence of texting while driving.

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Police say driver in fatal accident was texting

By KYLE HOPKINS

(12/09/11 19:37:30)

The 19-year-old charged in a fatal Anchorage hit-and-run had been texting on her iPhone when her car struck and killed a village man on Easter Sunday, police say.

"OMG OMG OMG," Ashley Nichole Bashore texted to a friend shortly after the crash that knocked pedestrian Hubert Tunuchuk, 28, out of his shoes and into the intersection, according to paperwork filed Thursday by state prosecutors.

Instead of stopping or calling 911, prosecutors say, Bashore drove to a friend's house where she said her SUV had "hit a mangy Rottweiler without a collar."

Arrested Wednesday night following a months-long investigation, Bashore pleaded not guilty Thursday to three felonies: Criminally negligent homicide, leaving the scene of an accident and tampering with evidence.

The tampering charge stems from Bashore's attempt to delete text messages sent in the days after the April 24 collision, prosecutors say.

Bashore entered the courtroom in tears, attempting to hide her face with shackled hands. A bailiff warned a distraught woman in the gallery to stop trying to communicate with Bashore, who sat sobbing at the end of a line of prisoners. She pulled her prison shirt to her face, her fingernails painted a soft green.

Several of Tunuchuk's family members watched from the back of the room.

"Everybody's affected by what happened. Her family. My family. Everyone involved," said his aunt, Esther Stauffer. "I just feel so sorry for her. She's so young. If she had made the right choice when that happened, then perhaps we wouldn't be here today."

Esther's husband, Geoffrey, said he feels sorry for the 19-year-old too. But he's also angry.

"I feel like maybe she's just scared for herself. She tried to hide this and we lived the last six months not knowing if they were ever going to be able to charge the person," Geoffrey Stauffer said.

The village of Chefnak, a Yup'ik community of about 400 people in Western Alaska, sent Tunuchuk to the state vocational-technical school in Seward to study power plant operations. He was in Anchorage on April 24 with friends to celebrate Easter and planned to stay at the Stauffers' house, the couple said.

Early Sunday morning, Tunuchuk was intoxicated and walking behind two friends westbound on the Tudor Road overpass above the Seward Highway, according to a document filed by prosecutors. Had he been driving, his blood-alcohol level would have been above the legal limit, said traffic

investigator Michael Busey.

Tunuchuk was in the roadway, near the narrow sidewalk curb of the overpass, according to prosecutors. A Hyundai Sante Fe driven by Bashore approached heading eastbound, prosecutors say.

As Bashore came across the overpass, the front of the SUV struck Tunuchuk on the passenger side, prosecutors say. Tunuchuk was thrown into the intersection where the Seward Highway off-ramp meets Tudor. Busey could not say how far he traveled. At some point before or after the collision, the Sante Fe drove up onto the curb, the investigator said.

Someone called 911 at about 3:15 a.m. to report the incident, police said at the time.

Tunuchuk survived for about three hours, according to police.

"We thought at first he was going to make it. ... Unfortunately he just lost too much blood," said Geoffrey Stauffer, who along with his wife placed a cross at the scene of the crash. It's still there.

Police say Bashore fled the scene, driving to a friend's house and telling the story of hitting a dog. She smelled of marijuana following the accident, according to the police investigation. But Busey said there's no way to determine whether she was high the night of the collision.

Police had few leads at first, prosecutors said, but a piece of trim from the Sante Fe and a Crimestoppers tip soon led police to the vehicle. While Bashore is not the registered owner of the SUV, she drove it on a regular basis, Busey said.

Police seized Bashore's iPhone, finding that all texts sent before April 26, two days after the collision, had been deleted, according to prosecutors and police. A review of her phone records revealed Bashore was "likely texting immediately before or at the time of the collision," according to paperwork filed by prosecutors.

Bashore eventually told a friend that she had hit a person and did so because she was texting, according to the prosecutor's memo.

A profile for Bashore appears on exploretalent.com, a website where hopeful performers post resumes and photos. She wants to be a model and once appeared in a horror movie filmed in the Butte, the profile says. "I enjoy swimming, biking, instant messaging and texting with friends," the profile says.

An Anchorage grand jury handed up the three-count indictment of Bashore on Wednesday -- more than seven months after the hit-and-run. Busey and another traffic investigator arrested Bashore on Wednesday night at her home in West Anchorage, a police spokesman said.

Efforts to establish details of the crash, along with DNA testing, the phone seizure and review by prosecutors all contributed to the length of the investigation, Busey said.

"Putting it all together just takes time, unfortunately," he said.

Before her arrest in the hit-and-run, Bashore had no criminal record as an adult. Three months after the collision that killed Tunuchuk, she was ticketed for speeding more than 20 mph over the speed limit, court records show.

Tunuchuk was about two weeks from graduating from the power plant operations training, his aunt said. He had planned to spend a couple of months fishing in Bristol Bay before returning to the

village, she said.

Bashore's bail was set at \$2,500 cash with a court-ordered third-party custodian required for release, a police spokesman said. Bashore is also forbidden from driving while on bail, he said.

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KTVA CBS 11 News Anchorage, AK

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Fairbanks Head-on Crash is Attributed to Drunken Texting

Originally printed at <http://www.ktva.com/news/local/Fairbanks-Head-on-Crash-is-Attributed-to-Drunken-Texting--114660904.html>

By Fairbanks Daily News-Miner
January 26, 2011

FAIRBANKS - An early morning head-on collision on Phillips Field Road is being blamed on an untimely text message by a suspected drunken driver.

Roger Dean Ostbloom, 40, was reportedly sending a text message from his phone on Sunday while driving his Ford F-150 pickup westbound and drifted into the oncoming lane of traffic. Ostbloom looked up and realized he was about to collide with a Chevy Avalanche.

Fairbanks Police arrived at 12:29 a.m. to find both vehicles with severe front-end damage.

Adam Strom, the driver of the Avalanche, suffered a broken femur in the accident and was taken to Fairbanks Memorial Hospital for surgery.

Ostbloom told police he was texting and saw the oncoming vehicle immediately before impact. Strom said he slowed in an attempt to avoid a collision.

Ostbloom, who was not hospitalized, also smelled of alcohol and had watery eyes and slurred speech, according to charging documents. A chemical test showed he had a breath-alcohol content of 0.097, slightly more than the legal limit of 0.08.

He was charged with driving a motor vehicle with a screen device operating, a law that makes texting while driving illegal. He was also charged with felony second-degree assault and driving under the influence of alcohol.

It's been illegal to text while driving in Alaska since 2008, but texting arrests remain uncommon in Alaska. Two local people were arrested for the offense last year, but neither was involved in an accident.

Cindy Cashen, administrator for the Alaska Highway Safety Office, said studies show texting while driving is a particularly risky form of "distracted driving." Authorities, however, are rarely in a position to blame texting as the primary cause of an accident.

"Unfortunately, the data doesn't show it's a very serious problem, but that's because it's very difficult to enforce," Cashen said.

Contact staff writer Jeff Richardson at 459-7518.

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nation and world

Many drivers admit to behavior they say is dangerous

By Ashley Halsey III
The Washington Post

Posted: 01/06/2012 12:00:00 AM PST

WASHINGTON — American drivers once again have identified their enemy as themselves.

When quizzed in an annual survey, they have admitted they often are guilty of the very behaviors they view as a menace on the road.

Almost everyone said that drunken driving was unacceptable, and three-quarters described drunken drivers as a serious threat. Yet 14 percent of them said that within the year, they had driven with an alcohol level probably near or above the legal limit, AAA's Foundation for Traffic Safety reported.

The June survey of 3,147 people used online technology said to create a representative cross-section of the U.S. population. People were asked about their driving habits in the month, or year, preceding that.

Cellphone use and sending text messages were dangerous, 94 percent said, but more than a third said they had read texts or e-mails while driving. A quarter of them also said they had sent messages. Two-thirds said they had talked on their cellphones, and a third said they do so regularly.

"This 'Do as I say, not as I do' attitude that persists among drivers needs to change before we can experience a traffic-safety culture where safe driving is the norm," Peter Kissinger, head of the foundation, said in a statement.

The foundation said that 74 percent of drivers felt it was unacceptable to go more than 15 mph above the speed limit on a freeway, but more than half admitted they had done that.

Although

94 percent said the same excessive speeding was unacceptable on a residential street, a quarter of them admitted they had gone more than 15 mph above the limit.

Nearly all drivers said that when a traffic light turns red, people should stop if they can do so safely, but 37 percent said they had run a red light.

Falling asleep behind the wheel was identified as a serious problem by 96 percent of drivers, but a third of drivers said they had nodded off at least once.

The safety value of a seat belt has been long established, and 86 percent of drivers agreed they should be used, but almost a quarter of drivers said they had not used one at least once in the month before they were surveyed. Nineteen percent said they had failed to do so more than once.

Recent federal data showed that 32,885 people

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were killed in vehicle crashes in 2010, the lowest number in 60 years. The drop has been attributed to better safety features in vehicles: seat-belt improvements, safer air bags, better vehicle stabilization, advancements in highway design, and high-profile campaigns against drunken and distracted driving.

"We are moving in the right direction when it comes to safety on our roads, but we need to do much more," Kissinger said. "Changing driver behaviors is not rocket science. It's harder."

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1/23/12

Cindy Cashen

National Highway Traffic Safety Administration (NHTSA) Policy Statement

The primary responsibility of the driver is to operate a motor vehicle safely. The task of driving requires full attention and focus. Drivers should resist engaging in any activity that takes their eyes and attention off of the road for more than a couple of seconds. In some circumstances even a second or two can make all the difference in a driver being able to avoid a crash.

Of special concern is the use of electronic entertainment and communication devices, especially cell phones. The relative risks of the various tasks drivers engage in are still being assessed, but in general the safest course of action is to refrain from using a cell phone while driving, which includes talking, dialing, and **texting**. NHTSA recommends that States prohibit novice drivers from using electronic communication devices (including cell phones) during the learners and intermediate stages of a three-stage graduated driver license (GDL) program.

Cell phone use compared to other tasks

Most crashes involve a relatively unique set of circumstances that make precise calculations of risk for engaging in different behaviors very difficult. Thus, the available research does not provide a definitive answer as to which behavior is riskier. Different studies and analyses have arrived at different relative risk estimates for different tasks. However, they all show elevated risk (or poorer driving performance) when the driver is distracted. It is also important to keep in mind that some activities are carried out more frequently and for longer periods of time and may result in greater risk.

The main offenders

Every driver has from time-to-time had their attention drawn away from the driving task. The choice to engage in non-driving tasks is usually under the individual's control and some people do so more frequently. The younger, inexperienced drivers under 20 years old have the highest proportion of distraction-related fatal crashes. They are not alone. At any given moment during the daylight hours, over 800,000 vehicles are being driven by someone using a hand-held cell phone. People of all ages are using a variety of hand-held devices, such as cell phones, mp3 players, personal digital assistants, and navigation devices, when they are behind the wheel.

Emergency use

As a general rule, drivers should make every effort to move to a safe place off of the road before using a cell phone. However, in emergency situations a driver must use their judgment regarding the urgency of the situation and the necessity to use a cell phone while driving.

Some research findings show both activities to be equally risky, while others show cell phone use to be more risky. A significant difference between the two is the fact that a passenger can monitor

HB 255: Prohibit Dialing Or Texting While Driving

the driving situation along with the driver and pause for, or alert the driver to, potential hazards, whereas a person on the other end of the phone line is unaware of the roadway situation.

Federal laws

Generally, distraction laws fall under the jurisdiction of individual States. However, President Obama has issued an executive order prohibiting federal employees from texting while driving on government business or with government equipment. In addition, contractors conducting government business are prohibited from texting while conducting business on behalf of the government

In addition, in January 2010, the Federal Motor Carrier Safety Administration enacted an interim ban that prohibits commercial vehicle drivers from texting while behind the wheel. In March 2010, a proposed rule was announced that would make that ban stronger and more durable.

Although not a law, DOT recently launched a national campaign to encourage the public to get involved in ending distracted driving. "Put It Down" focuses on the key messages that drivers can't do two things at once, everyone has a personal responsibility to pay attention while behind the wheel, and the implementation of legislation and high visibility enforcement will lead to increased consequences for distracted driving.

According to the Governor's Highway Safety Association (GHSA), drivers visibly manipulating electronic devices (such as for texting) at any given moment has more than doubled from .04% to 1%" (Curbing Distracted Driving: 2010 Survey of State Safety Programs, 2010).

State Laws

Text messaging is banned for all drivers in 35 states and the District of Columbia. In addition, novice drivers are banned from texting in 7 states (Alabama, Mississippi, Missouri, New Mexico, Oklahoma, Texas, and West Virginia) and school bus drivers are banned from text messaging in 3 states (Mississippi, Oklahoma, and Texas).

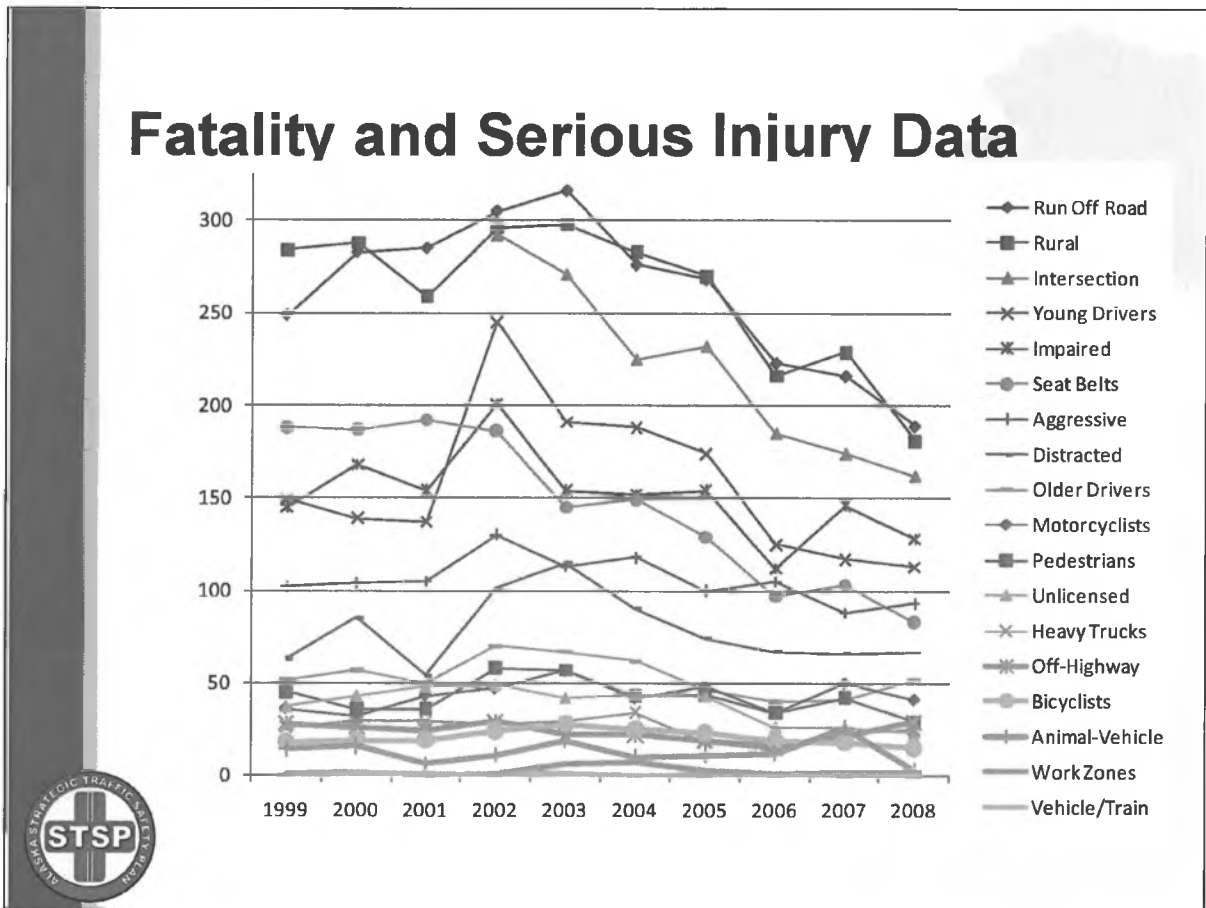
Alaska Statistics (Highway Analysis System)

- From 2002-2009 there were a total of 89,770 motor vehicle crashes in Alaska, of which **442 motor vehicle crashes** involved cell phone use.
- Of the 442 cell phone involved crashes, 245 crashes resulted in property damage only, 175 crashes resulted in minor injuries, 20 crashes resulted in major injuries, and 2 crashes were fatal.
- From 2002-2009 there were **282 non-fatal injuries** in traffic crashes involving cell phone use.

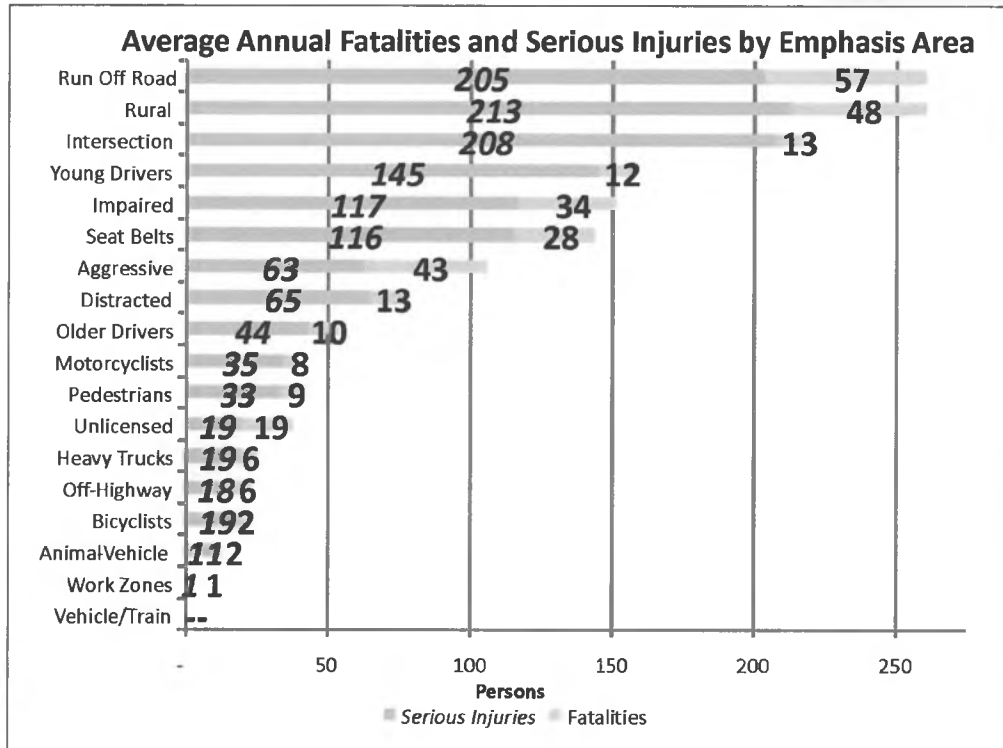
National Statistics (NHTSA)

- Driver distraction was reported to have been involved in 16 percent of all *fatal crashes* in 2008 according to data from the Fatality Analysis Reporting System (FARS).
- An estimated 21 percent of *injury* crashes were reported to have involved distracted driving, according to data from the General Estimates System (GES).
- The portion of drivers reportedly distracted at the time of the fatal crash increased from 8 percent in 2004 to 11 percent in 2008.

The following charts are from the 2011 Alaska Strategic Traffic Safety Plan draft:



Fatality and Serious Injury Data



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