

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11029 HOUSE STATE AFFAIRS

A trust shall not fail to meet the requirements of subclause (II) merely because the corpus of the trust may revert to a person who is not so disabled after the trust ceases to have any beneficiary who is so disabled.

“(3) DEDUCTIONS IN LIEU OF PERSONAL EXEMPTION.—The deductions allowed by this subsection shall be in lieu of the deductions allowed under section 151 (relating to deduction for personal exemption).”

Applicability.
26 USC 642 note.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending on or after September 11, 2001.

~~TITLE II—DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS~~

~~SEC. 201. DISCLOSURE OF TAX INFORMATION IN TERRORISM AND NATIONAL SECURITY INVESTIGATIONS.~~

26 USC 6103.

(a) DISCLOSURE WITHOUT A REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—Paragraph (3) of section 6103(i) (relating to disclosure of return information to apprise appropriate officials of criminal activities or emergency circumstances) is amended by adding at the end the following new subparagraph:

“(C) TERRORIST ACTIVITIES, ETC.—

“(i) IN GENERAL.—Except as provided in paragraph (6), the Secretary may disclose in writing return information (other than taxpayer return information) that may be related to a terrorist incident, threat, or activity to the extent necessary to apprise the head of the appropriate Federal law enforcement agency responsible for investigating or responding to such terrorist incident, threat, or activity. The head of the agency may disclose such return information to officers and employees of such agency to the extent necessary to investigate or respond to such terrorist incident, threat, or activity.

“(ii) DISCLOSURE TO THE DEPARTMENT OF JUSTICE.—Returns and taxpayer return information may also be disclosed to the Attorney General under clause (i) to the extent necessary for and solely for use in preparing an application under paragraph (7)(D).

“(iii) TAXPAYER IDENTITY.—For purposes of this subparagraph, a taxpayer's identity shall not be treated as taxpayer return information.

“(iv) TERMINATION.—No disclosure may be made under this subparagraph after December 31, 2003.”

(b) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—Subsection (i) of section 6103 (relating to disclosure to Federal officers or employees for administration of Federal laws not relating to tax administration) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

“(7) DISCLOSURE UPON REQUEST OF INFORMATION RELATING TO TERRORIST ACTIVITIES, ETC.—

State Structured Settlement Protection Statutes

<u>State</u>	<u>Statute</u>	<u>Effective Date</u> ^{1/}
Arizona	2002 Ariz. Legis. Serv. 239	05/20/02
California	Cal. Ir.s. Code §§ 10134-10141 (as amended by 2001 Assembly Bill 268)	01/01/00 01/01/02
Connecticut	Conn. Gen. Stat. § 52-225f	10/01/98
Delaware	Del. Code Ann. Tit. 10, §§ 6601-6604	07/26/00
Florida	2001 Fla. Sess. Law Serv. Ch. 207	10/01/01
Georgia	Ga. Code Ann. §§ 51-12-70-77	07/01/99
Idaho	2001 Idaho Sess. Laws 299 ^{2/}	07/01/01
Illinois (predates NSSTA Models)	215 Ill. Comp. Stat. 5/155.34	01/01/98
Indiana	Ind. Code Ann. §§ 34-50-2-1 – 34-50-2-11	06/30/01
Iowa	2001 Iowa Legis Serv. 337	07/01/01
Kentucky	Ky. Rev. Stat. Ann. §§ 454.430, 454.431, 454.435	07/15/98
Louisiana	2001 La. Sess. Law Serv. 597	08/15/01
Maine	Me. Rev. Stat. Ann. tit. 24A §§ 601:25, 2241-46	__/__/99
Maryland	Md. Code Ann. Cts. & Jud. Proc. §§ 5-1101-5-1105	10/01/00
Massachusetts	Mass. Gen. Laws Ann. Ch. 231C, §§ 1-5	01/12/01

^{1/} Statutes based on the NSSTA Models generally include a transition rule that specifies that the statute applies to transfers of structured settlement payment rights under transfer agreements (i.e., factoring agreements) entered into on or after a specified date, generally the same date on which the statute takes effect. For any statute that includes this transition rule, the effective date listed in this table is the date after which new transfer agreements will be subject to the statute. In other cases the effective date listed is the effective date of the statute itself.

^{2/} Idaho H.B. 237 enacted structured settlement protection provisions as an amendment to the scope section, § 9-109, of Revised Article 9 of the Idaho Uniform Commercial Code. This unusual placement makes it unclear how and when the structured settlement provisions will apply.

<u>State</u>	<u>Statute</u>	<u>Effective Date</u>
Michigan	Mich. Comp. Laws. Ann., §§ 691.1191 – 691.1197	01/14/01
Minnesota	Minn. Stat. §§ 549.30 – 549.34	08/01/99
Mississippi	2002 Miss. S.B. No. 2912	08/01/02
Missouri	Mo. Rev. Stat. §§ 407.1060 – 407.1068	08/28/99
Nebraska	2001 Neb. Laws 55	01/01/02
New Jersey	2001 N.J. Sess. Law Serv. 139	08/02/01
New York	2002 Assembly Bill 6936-A, to be codified at N.Y. Gen. Obs. Law §§ 5-1701-1709	9/17/02 ^{3/}
North Carolina	N.C. Gen. Stat. Art. 44B §§ 1-543.10 – 1-543.15 and Art. 33 § 1-394.1	10/01/99
Ohio	Ohio Rev. Code. Ann. §§ 2323.58 – 2323.587	10/27/00
Oklahoma	2001 Okla. Sess. Law Serv. 70	11/01/01
Pennsylvania	40 Pa. Cons. Stat. Ann. §§ 4001-4009	04/11/00
Rhode Island	2001 R.I. Pub. Laws 01-226	08/13/01
South Carolina	2002 S.C. Pub. Laws 252	06/13/02
South Dakota	S.D. Codified Laws §§ 21-3B-1 – 21-3B-12	07/01/01
Tennessee	Tenn. Code Ann. Tit. 47, Ch. 18 §§ 1-7	06/23/00
Texas	2001 Tex. Sess. Law Serv. 96	09/01/01
Utah	2002 Utah S.B. 163, to be codified at Utah Code Ann. §§ 78-59-101-108	05/06/02
Virginia	Va. Code Ann. §§ 59.1-475-477 Va. Code §§ 59.1-475-477.1	07/01/99 07/01/01
Washington	2001 Wash. Legis. Serv. 178	07/22/01
W. Virginia	W. Va. Code §§ 46A-6H-1 – 46A-6H-8	06/11/99

^{3/} Section 4 of the New York legislation states that it "shall take effect July 1, 2002"; but the legislation was not signed by the Governor until September 17.

Alaska House of Representatives

Richard Foster
P.O. Box 1630
Nome, AK 99762
907-443-5036
Fax 907-443-2162



During Session
State Capitol Rm. 410
Juneau, AK 99801-1182
907-465-3789
Fax 907-465-3242

Majority Whip

Memorandum

To: Representative Bruce Weyhrauch
Chair State Affairs Committee
From: Rep. Richard Foster
Date: February 5, 2003
Re: HB 64

I respectfully request the House State Affairs Committee schedule HB 64, "An Act relating to court approval of the purchase of structured settlements," as soon as practical.

The contact person in my office is Paul LaBolle, 465-3789.

HB

81

ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

(907) 465-3744
FAX (907) 465-2273

STATE AFFAIRS COMMITTEE

Fax

To: Legislative Legal

From: Ginny Austerman *Ginny*

Fax: 2029

Date: April 8, 2003

Phone: 2450

Pages: one

Re: CS SB 83

CC:

Urgent For Review Please Comment Please Reply

•Comments:

House State Affairs has amended HB 81 (23-LS0176(H)) as follows:

Amendment # 1 – Page 4 Line 6 – after the word “fined” add “an amount not to exceed”

Page 5 Line 2 - after the word “fined” add “an amount not to exceed”

Amendment # 2 – Title Change

Page 1 Line 1 – after the word “emissions,” add “emission inspection decals, and fines”

Please complete the CS in final form as soon as possible.

HSTA 4/8/03 mtg.

Amendment 1
to HB 81

By Rep Gruenberg

p 4, line 6, after "fined" add
"an amount not to
exceed"

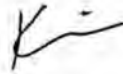
p 5, line 2, after "fined" add
"an amount not to exceed"



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: April 7, 2003
TO: House State Affairs Committee Members
FROM: Representative Kevin Meyer 
RE: HB 81 Motor Vehicle Emissions Inspection

During the House Transportation Committee hearing on HB 81, several questions were asked pertaining to citations and fines collected for violating I/M program requirements. The Municipality of Anchorage Vehicle Inspection and Maintenance Program provided the following information.

In 2002, the Vehicle Inspection and Maintenance Program received approximately 6,800 complaints. After investigation, the program issued 4,709 notices of violation. Approximately 476, or 10%, of the notices of violation, were issued a citation. Through the investigation and notice process, 3,005 vehicles were brought into compliance. The I/M office received \$74,841 in fines and \$6,228 in other court fees.

I hope that this information is helpful. If you have any further questions regarding this information or HB 81, please feel free to contact me. I look forward to presenting this legislation to the House State Affairs Committee tomorrow, April 8.

HB 81 Motor Vehicle Emissions Inspection
House State Affairs Committee
April 8, 2003
Public Testimony

1. Name: Tom Chapple
Affiliation: Director, Division of Air and Water Quality
Department of Environmental Conservation
Location: Anchorage Legislative Information Office

2. Name: Cindy Heil
Affiliation: Department of Environmental Conservation
Location: Anchorage Legislative Information Office

3. Name: Chuck Hosack
Affiliation: Deputy Director Division of Motor Vehicles
Department of Administration
Location: On-line

4. Name: James Armstrong
Affiliation: AMATS Coordinator, Director of Transportation Planning
Municipality of Anchorage
Location: Anchorage Legislative Information Office

5. Name: Glenn Miller
Affiliation: I/M Program Manager
Fairbanks North Star Borough
Location: Fairbanks Legislative Information Office

HOUSE BILL NO. 81

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE MEYER

Introduced: 2/7/03

Referred: Transportation, State Affairs

A BILL

FOR AN ACT ENTITLED

#2
sub-section - inspect in denver, as I find

1 "An Act relating to motor vehicle emissions; and providing for an effective date."

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

3 * Section 1. AS 28.10.041(a) is amended to read:

4 (a) The department may refuse to register a vehicle if

5 (1) the application contains a false or fraudulent statement;

6 (2) the applicant fails to furnish information required by the
7 department;

8 (3) the applicant is not entitled to the issuance of a certificate of title or
9 registration under this chapter;

10 (4) the vehicle is determined to be mechanically unsafe to be driven or
11 moved on a highway, vehicular way or area, or other public property in the state;

12 (5) the department has reasonable grounds to believe that the vehicle
13 was stolen or fraudulently acquired or that the granting of registration would be a
14 fraud against the rightful owner or other person having a valid lien upon the vehicle;

15 (6) the registration of the vehicle has been suspended or revoked for

1 any reason under the laws of the state;

2 (7) the required fees or taxes have not been paid;

3 (8) the vehicle or applicant fails to comply with this chapter or
4 regulations implementing this section;

5 (9) the vehicle is without a certificate of inspection required under
6 AS 19.10.310;

7 (10) except for a vehicle to be registered under AS 28.10.152, the
8 vehicle is subject to a state-approved emission inspection program adopted under
9 AS 46.14.400 or 46.14.510, and the vehicle does not meet the standards of that
10 program [, UNLESS THE VEHICLE USES A FUEL SOURCE THAT DOES NOT
11 PRIMARILY EMIT CARBON MONOXIDE];

12 (11) the applicant fails to certify to the department the existence of a
13 motor vehicle liability policy that complies with AS 28.22.101 for the vehicle being
14 registered unless the owner of the vehicle qualifies as a self-insurer under
15 AS 28.20.400 or is exempted from obtaining liability insurance under AS 28.22.011.

16 * Sec. 2. AS 28.10.108(f) is amended to read:

17 (f) Upon request of the owner and payment of the proportionate prorated
18 applicable fees, a vehicle registered under this section shall have its registration period
19 extended in monthly increments to allow biennial registration to occur in the month of
20 the owner's choice. except that registration may not extend beyond the expiration
21 of an emissions inspection and maintenance certificate required for the vehicle.
22 Notwithstanding the other provisions of this chapter, upon request of the owner,
23 payment of the annual fee set out in AS 28.10.421(h), payment of any annual vehicle
24 registration tax due under AS 28.10.431(i), and, if applicable, payment of one-half of
25 the biennial emission control inspection program fee imposed under AS 28.10.423, the
26 department shall register a vehicle used for commercial purposes for a one-year
27 period.

28 * Sec. 3. AS 28.10.271(d) is amended to read:

29 (d) An emissions inspection and maintenance certificate

30 (1) shall be obtained when ownership of a vehicle subject to
31 registration under this chapter is transferred if the

1 (A) transferee resides in an area designated by the Department
2 of Environmental Conservation as an emissions inspection and maintenance
3 area;

4 (B) [VEHICLE WAS MANUFACTURED IN 1987 OR
5 EARLIER;

6 (C)] vehicle would be subject to an emissions inspection and
7 maintenance program; and

8 (C) [(D)] vehicle

9 (i) has not been inspected for emissions, or the existing
10 emissions inspection occurred more than two years ago; or

11 (ii) has a certificate of inspection, but the certificate
12 shows that the vehicle is not in compliance with program
13 requirements [AND MAINTENANCE CERTIFICATE IS MORE
14 THAN 12 MONTHS OLD];

15 (2) need not be obtained under (1) of this subsection if, when
16 ownership of vehicle is transferred,

17 (A) the transferor surrenders the vehicle's registration plates
18 and all evidence of registration in the transferor's possession or control to the
19 department; or

20 (B) the vehicle has a valid, existing emissions inspection and
21 maintenance program seasonal waiver and the purchaser signs a seasonal
22 waiver transfer acknowledgment form approved by the department.

23 * **Sec. 4.** AS 45.45.400(a) is amended to read:

24 (a) A person engaged in the business of selling used motor vehicles may not
25 transfer or assign the owner's title or interest in the used vehicle to a person who
26 resides in an area subject to a state-approved emission inspection program established
27 under AS 46.14.400 or 46.14.510 and who intends to use the vehicle in that area,
28 unless the vehicle displays a valid emissions inspection decal, has a valid record of
29 emissions inspection with the Department of Administration, or has a certificate
30 of inspection, even though the certificate shows that the vehicle is not in
31 compliance with program requirements [HAS A CERTIFICATE OF

1 COMPLIANCE OR NONCOMPLIANCE] as required under the air pollution control
2 requirements applicable in that area.

3 * Sec. 5. AS 46.14.490(j) is amended to read:

4 (j) A person who operates a motor vehicle in violation of emissions
5 requirements imposed under this section is guilty of a violation and, upon conviction,
6 shall be fined \$500 [\$200]. It is the intent of the legislature that money collected
7 under this subsection be appropriated to promote air quality control programs in
8 municipalities.

9 * Sec. 6. AS 46.14.510(b) is amended to read:

10 (b) Unless otherwise exempted by law, a person shall maintain in operating
11 condition any element of the air pollution control system or mechanism of a motor
12 vehicle that the department, by regulation, requires to be maintained in or on the motor
13 vehicle. [FAILURE TO MAINTAIN A REQUIRED SYSTEM OR MECHANISM
14 IN OPERATING CONDITION SUBJECTS THE MOTOR VEHICLE'S
15 REGISTRATION TO SUSPENSION OR CANCELLATION. A MOTOR VEHICLE
16 WHOSE REGISTRATION HAS BEEN SUSPENDED OR CANCELED UNDER
17 THIS SUBSECTION IS NOT ELIGIBLE FOR SUBSEQUENT REGISTRATION
18 UNTIL THE OWNER OR OPERATOR OBTAINS CERTIFICATION FROM THE
19 DEPARTMENT, BASED ON A DEMONSTRATION THAT THE AIR
20 POLLUTION CONTROL SYSTEM OR MECHANISM IS RESTORED TO
21 OPERATING CONDITION.]

22 * Sec. 7. AS 46.14.510(c) is amended to read:

23 (c) The department shall consult with the Department of Administration
24 regarding implementation of the motor vehicle pollution control program. The
25 Department of Administration shall cooperate with the department in implementing
26 the program. As a part of a motor vehicle pollution control program, the
27 department or a municipality that enforces a motor vehicle pollution control
28 program may determine if a vehicle is properly registered as required by law.

29 * Sec. 8. AS 46.14.510(f) is amended to read:

30 (f) A person who fails to display an emissions inspection decal as required
31 by law [OPERATES A MOTOR VEHICLE IN VIOLATION OF EMISSIONS

1 REQUIREMENTS IMPOSED UNDER THIS SECTION] is guilty of a violation and,
2 upon conviction, shall be fined \$500 [\$200]. It is the intent of the legislature that
3 money collected under this subsection be appropriated to control pollution from motor
4 vehicle emissions.

5 * Sec. 9. This Act takes effect July 1, 2003.

Amendment #1

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

House Bill 81

“An Act relating to motor vehicle emissions; and providing for an effective date.”

House Bill 81 streamlines existing motor vehicle emission statutes to improve compliance and enforcement, provide consistency between departments, provide relief from extraneous requirements, and protect consumers.

In areas that require motor vehicle emission programs, car owners have found several loopholes to evade programs and falsely register cars. Before a vehicle's registration can be renewed, a car must also have a current and valid emission inspection. A problem arises when the inspection expires and the registration is current. This creates a disconnect between the dates on the license plate and the certificate of inspection, and reduces the ability to enforce proper registration. HB 81 limits changes so that the emission inspection and the vehicle registration renewal date may be synchronized.

The same loopholes exist for title transfers. Before a title can be transferred for a 1987 or older vehicle, it must have an inspection dated within 12 months. When the title is transferred, often the registration is still current. When the new emission test is done for a title transfer, the vehicle has an inspection decal that is good for two years, but a registration that will expire in less than two years. HB 81 removes the requirement for yearly tests and synchronizes registration and emission inspections tests for all vehicles, regardless of age.

Enforcement of emission programs is an area of concern. The authority to enforce emission programs through registration renewal is within the Department of Administration. The entities responsible for administering the emission control programs, such as the Department of Environmental Conservation (DEC) and municipalities, do not have a direct mechanism to insure that vehicles are properly registered. HB 81 gives them that mechanism by extending the authority to enforce emission inspection requirements through proper registration to DEC and the municipalities that require such programs.

DEC has found that the current fine for a program violation is not a reasonable deterrent for egregious offenders. A \$200 fine seems manageable when costly repairs may provide an economic incentive to evade the program. Under Section 5, the fine is raised to \$500.

A consumer protection measure has been inserted into HB 81 in an effort to assist Alaskans who are shopping for a used automobile. HB 81 specifies that the used vehicle must display a valid emissions inspection decal, have a valid record of emissions inspection with the DMV, or have a certificate of inspection, even though the certificate may show that the vehicle is not in compliance with program requirements. Consumers can feel comfortable knowing to look for the inspection decal, and know that the vehicle has met program requirements and is contributing to quality air standards.

House Bill 81 is a comprehensive clean-up act. The provisions contained in HB 81 will close loopholes in current emission programs and requirements, extend authority to those entities who oversee emission programs, provide an increased deterrent for those individuals who choose to evade emission programs, and protect Alaskans who are looking to buy used vehicles.

Last Updated: 2/25/03

Email: Representative_Kevin_Meyer@legis.state.ak.us • Toll Free: (866) 465-4945

Session: State Capitol, Juneau, Alaska 99801-1182 • Phone: (907) 465-4945 Fax: (907) 465-3476

Interim: 716 W. 4th Ave., Anchorage, Alaska 99501-2133 • Phone: (907) 269-0199 Fax: (907) 269-0197

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sectional Analysis

House Bill 81

“An Act relating to motor vehicle emissions; and providing for an effective date.”

Section 1: Repeals the requirement that alternatively fueled vehicles are exempt from meeting emissions requirements in order to be registered.

Section 2: Provides that a motor vehicle registration period cannot extend beyond the expiration of any applicable emissions inspection certificate.

Section 3: Amends provisions that specify when an emissions certificate is required if the ownership of a vehicle is transferred. Provides that all vehicles, regardless of the year manufactured, must have an emissions inspection that is two years old or younger in order for a title transfer to occur.

Section 4: Amends provisions relating to commercial sales of used motor vehicles. Specifies that the inspection decal must be displayed on the windshield of the vehicle, the inspection records must be on file with the Department of Administration, or, if the vehicle is not in compliance with program requirements, then the certificate of inspection needs to be on file with the commercial dealer. These requirements are to be met when a vehicle is sold and is intended to be used in an area with an emissions inspection program.

Section 5: Increases the fine for violating emissions requirements to \$500.

Section 6: Repeals language relating to suspension or cancellation of a motor vehicle's registration for failure to meet emissions requirements.

Section 7: Creates authority for a department or municipality that enforces a pollution control program to determine if a vehicle is properly registered.

Section 8: Increases the fine for failing to display an emissions inspection decal to \$500.

Section 9: Effective date.

Last Updated: 2/25/03

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 81
 (H) Publish Date: 3/31/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title An act relating to motor vehicle BRU Motor Vehicles
emissions; and providing..... Component _____
 Sponsor Representative Meyer
 Requester (H) TRA Component No. 2348

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
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 (FY2003) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

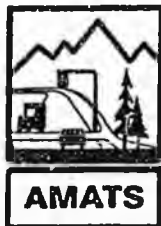
POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on DMV for implementation. The bill removes the requirement for redundant emission inspections relating to ownership changes. DMV will still require emission inspections prior to registration as it has in the past.

Prepared by: Charles R. Hosack Phone 269-5559
 Division Motor Vehicles Date/Time 3/24/03
 Approved by Mike Miller, Commissioner Date 3/31/2003
 Agency Department of Administration



Anchorage
Metropolitan
Area
Transportation
Solutions

MUNICIPALITY OF ANCHORAGE
Traffic Department
Transportation Planning Division
Permit Center, 4700 S. Bragaw Street, 2nd Floor
P.O. Box 196650, Anchorage, AK 99519-6650
Voice (907) 343-7991 Facsimile (907) 343-7998
E-mail: armstrongjj@ci.anchorage.ak.us

March 20, 2003

Representative Kevin Meyer
State Capitol
Juneau, AK 99801-1182

Dear Representative Meyer:

The Anchorage Metropolitan Area Transportation Solutions (AMATS) Policy Committee is offering this letter of support for House Bill 81, "An Act relating to motor vehicle emissions; and providing for an effective date." HB 81 streamlines motor vehicle emission statutes to provide relief from motor vehicle emission inspections and improve compliance with enforcement efforts.

The motor vehicle emissions program is one of Anchorage's key programs to maintain its air quality and allow continued progress in our transportation planning and construction. As Anchorage moves from improving its air quality into maintaining its air quality, the motor vehicle emission program must operate as efficiently as possible.

Your proposed bill will not only assist Anchorage in ensuring its enforcement efforts are productive but it will also assist in protecting its citizens from extraneous emission testing. Transportation planning and ensuring air quality conformity are the fundamental responsibilities of AMATS. Any bill, such as yours, that assists our mission is greatly appreciated.

Sincerely,

David R. Eberle, (Chair)
Regional Director
Alaska Department of Transportation and Public Facilities

George P. Wuerch
Mayor
Municipality of Anchorage

Tom Chapple
Director of Air & Water Quality
Alaska Department of Environmental Conservation

Dick Traini
Chair
Anchorage Municipal Assembly

Doug Van Etten
Member
Anchorage Municipal Assembly



Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907/459-1000

March 17, 2003

Representative Keven Meyer
State Capitol
Juneau, Alaska 99801-1182

Re: House Bill 81

Dear Representative Meyer,

Thank you for the opportunity to comment on House Bill 81. The Fairbanks I/M Program supports legislation that streamlines the motor vehicle inspection process and registration renewals with retention of program integrity. H.B. 81 is certainly focused in this direction and therefore, the FNSB I/M Program is in support of this bill. To further simplify the proposed amendments I would like to offer the following suggestion.

I have reviewed the proposed amendments and have comment regarding the proposed changes to AS 28.10.271. This statute addresses change of ownership requirements. AS 28.10.271 contains an amendment that reads, "(ii) has a certificate of inspection, but the certificate shows that the vehicle is not in compliance with program requirements". An individual that has a non-complying vehicle (or complying vehicle) and wishes to transfer ownership can do so under AS 28.10.271(d) (2) (A) or (B) without the certificate of inspection. Therefore, I do not believe this amendment is needed.

Thank you for your work on this legislation. Our office has been serving motorists since 1985 and we have experienced many regulatory changes, which affect those consumers. Therefore, we are very pleased to see proposed amendments that will in effect, simplify the vehicle registration renewal process. Please call me at 459-1005 at your earliest convenience so I may concisely confer my thoughts.

Sincerely,

Glenn E. Miller
FNSB I/M Program Manager

Cc:
David Leone, Special Assistant to the Mayor
Mayor Boyles, FNSB
Linda Anderson, Govt. Consultant

RECEIVED

MAR 24 2003

AS 28.10.041. Grounds for refusing registration

- (a) The department may refuse to register a vehicle if
- (1) the application contains a false or fraudulent statement;
 - (2) the applicant fails to furnish information required by the department;
 - (3) the applicant is not entitled to the issuance of a certificate of title or registration under this chapter;
 - (4) the vehicle is determined to be mechanically unsafe to be driven or moved on a highway, vehicular way or area, or other public property in the state;
 - (5) the department has reasonable grounds to believe that the vehicle was stolen or fraudulently acquired or that the granting of registration would be a fraud against the rightful owner or other person having a valid lien upon the vehicle;
 - (6) the registration of the vehicle has been suspended or revoked for any reason under the laws of the state;
 - (7) the required fees or taxes have not been paid;
 - (8) the vehicle or applicant fails to comply with this chapter or regulations implementing this section;
 - (9) the vehicle is without a certificate of inspection required under AS 19.10.310 ;
 - (10) except for a vehicle to be registered under AS 28.10.152 , the vehicle is subject to a state-approved emission inspection program adopted under AS 46.14.400 or 46.14.510, and the vehicle does not meet the standards of that program, unless the vehicle uses a fuel source that does not primarily emit carbon monoxide;
 - (11) the applicant fails to certify to the department the existence of a motor vehicle liability policy that complies with AS 28.22.101 for the vehicle being registered unless the owner of the vehicle qualifies as a self-insurer under AS 28.20.400 or is exempted from obtaining liability insurance under AS 28.22.011 .
- (b) When the department refuses to register a vehicle, it shall immediately notify the applicant stating the reasons for the action and informing the applicant of the right to a hearing under AS 28.05.131 - 28.05.141.
- (c) Except for a vehicle to be registered under AS 28.10.152 , the department shall refuse to register a vehicle subject to the federal heavy vehicle use tax required by 26 U.S.C. 4481 (Internal Revenue Code of 1954) if the applicant fails to furnish proof, in the form prescribed by the United States Secretary of the Treasury, that the tax has been paid.
- (d) The department shall refuse to register a vehicle if the applicant fails to register the vehicle using the applicant's full first, middle, and last name or a business name.

AS 28.10.108. Registration procedures

- (a) Except for a vehicle registered under AS 28.10.152 , a vehicle required to be registered under this chapter shall be registered under the procedures set out in this section.
- (b) [Repealed, Sec. 29 ch 6 FSSLA 1996].
- (c) [Repealed, Sec. 29 ch 6 FSSLA 1996].

(d) A registered vehicle retains the same biennial expiration date regardless of the ownership of the vehicle.

(e) The registration of a vehicle expires on the last day of the month to which the vehicle is assigned.

(f) Upon request of the owner and payment of the proportionate prorated applicable fees, a vehicle registered under this section shall have its registration period extended in monthly increments to allow biennial registration to occur in the month of the owner's choice. Notwithstanding the other provisions of this chapter, upon request of the owner, payment of the annual fee set out in AS 28.10.421 (h), payment of any annual vehicle registration tax due under AS 28.10.431(1), and, if applicable, payment of one-half of the biennial emission control inspection program fee imposed under AS 28.10.423, the department shall register a vehicle used for commercial purposes for a one-year period.

(g) The department shall issue to the registered owner, upon receipt of the proper application and fees, registration plates, tabs and registration form displaying the month and year in which the registration expires.

(h) The department shall mail notice of registration expiration to the registered owner of record at the owner's mailing address as shown in the records of the department. An owner of a vehicle subject to registration who has received notice under this subsection may renew registration of the vehicle by returning the notice form, together with appropriate fees, to the department by mail postmarked no later than the fifth day of the registration renewal period shown upon the vehicle's current registration or notice form. Upon receipt of a timely postmarked registration renewal and the appropriate fees and taxes, the department shall renew the registration and mail the current registration card and registration plates or tabs to the owner at the owner's mailing address as shown in the department's records.

(i) If a vehicle is held for sale by a dealer, the requirement of registration and payment of fees and taxes does not apply until the vehicle is sold to a party other than another dealer. The exemption from payment of fees and taxes under this subsection applies only if

- (1) the dealer is registered with the state; and
- (2) the vehicle for which the exemption is sought can be shown to be part of the dealer's inventory at the time of exemption.

(j) The purchaser of a vehicle for which registration and taxes have been held in abeyance under (i) of this section shall register the vehicle within five working days of purchase and pay the prorated fees and taxes required by the department.

(k) The department shall prorate fees in monthly increments to allow for registration of vehicles in more or less than one-year periods when required by any provision of this section.

(l) Notwithstanding the other provisions of this section, the following vehicles are not required to be registered biennially and shall be registered one time only:

- (1) a vehicle qualifying for registration under AS 28.10.181 (d); or
- (2) a vehicle owned by a person who is 65 years of age or older; this paragraph only

applies to only one vehicle owned by the person who is 65 years of age or older.

AS 28.10.271. Transfer of vehicle by owner

(a) When the owner of a registered vehicle transfers or assigns the owner's title or interest in the vehicle, the registration of the vehicle expires; however, the registration plates remain on the vehicle except as otherwise provided in AS 28.10.181 .

(b) The owner shall, at the time of delivery of the vehicle, endorse an assignment and warranty of title to the transferee in the space provided on the certificate of title. The owner shall deliver the certificates of title and registration to the transferee at the time of delivery of the vehicle, except as otherwise provided in AS 28.10.291 .

(c) The owner shall notify the department of the transfer or assignment of the owner's title or interest in the vehicle within 10 days following transfer or assignment. This notification shall constitute a valid transfer under AS 28.10.321 and 28.10.361. The notice form to be provided by the department must include the following information:

- (1) name and address of owner;
- (2) name and address of transferee;
- (3) date of transfer or assignment; and
- (4) description and license number of vehicle.

(d) An emissions inspection and maintenance certificate

(1) shall be obtained when ownership of a vehicle subject to registration under this chapter is transferred if the

(A) transferee resides in an area designated by the Department of Environmental Conservation as an emissions inspection and maintenance area;

(B) vehicle was manufactured in 1987 or earlier;

(C) vehicle would be subject to an emissions inspection and maintenance program; and

(D) vehicle has not been inspected for emissions or the existing emissions inspection and maintenance certificate is more than 12 months old;

(2) need not be obtained under (1) of this subsection if, when ownership of vehicle is transferred,

(A) the transferor surrenders the vehicle's registration plates and all evidence of registration in the transferor's possession or control to the department; or

(B) the vehicle has a valid, existing emissions inspection and maintenance program seasonal waiver and the purchaser signs a seasonal waiver transfer acknowledgment form approved by the department.

AS 45.45.400. Prohibited transfer of used motor vehicles

(a) A person engaged in the business of selling used motor vehicles may not transfer or assign the owner's title or interest in the used vehicle to a person who resides in an area subject to a state-approved emission inspection program established under AS 46.14.400 or 46.14.510 and who intends to use the vehicle in that area, unless the vehicle has a certificate

of compliance or noncompliance as required under the air pollution control requirements applicable in that area.

(b) This section does not apply to a motor vehicle that when manufactured did not have a pollution control system.

AS 46.14.400. Local air quality control programs

(a) With the approval of the department, a municipality may establish and administer within its jurisdiction a local air quality control program that operates in lieu of and is consistent with all or part of the department's air quality program as established under this chapter. A first or second class borough may administer an air quality control program approved by the department under this subsection on an areawide basis and is not subject to the restrictions for acquiring additional areawide powers specified in AS 29.35.300 - 29.35.350. A third class borough may administer a local air quality control program approved by the department under this subsection only in a service area formed under AS 29.35.490 (b) or (c).

(b) With the approval of the department, two or more municipalities or other entities may create a local air quality district for the purpose of jointly administering a local air quality control program within the boundaries of the air quality district.

(c) If the department finds that the location, character, or extent of particular concentrations of population, air contaminant sources, the geographic, topographic, or meteorological considerations, or a combination of these factors make impracticable the maintenance of appropriate levels of air quality without an areawide air pollution control program, the department may determine the boundaries within which a local air quality control program is necessary and direct that a local air quality control program spanning those boundaries is the only acceptable alternative to direct state administration.

(d) A municipality or a local air quality district seeking department approval for a local air quality control program shall enter into a cooperative agreement with the department that is designed to avoid unnecessary duplication of responsibilities. The cooperative agreement must include provisions specifying

- (1) the respective duties and authority of the department and the municipality or local air quality district in the administration of the local air quality control program;
- (2) the authority of the municipality or the local air quality district to employ staff to administer the local air quality control program;
- (3) duties of staff employed under (2) of this subsection;
- (4) the procedures that must be followed by the municipality or local air quality district when requesting money from the clean air protection fund to cover the costs of implementing the municipality's or district's air quality program;
- (5) the procedures that will be used by the department in approving a request under (4) of this subsection and submitting it to the legislature for funding;
- (6) respective enforcement responsibilities of the department and the municipality or the local air quality district;
- (7) that if the municipality or local air quality control district seeks authority to take action under (f) of this section, the municipality or local air quality control district will use

procedures that are substantially equivalent to those required under AS 46.14.010 and 46.14.015.

(e) A local air quality control program shall provide for the exemption of a locally registered motor vehicle from motor vehicle emission requirements adopted under AS 46.14.510 if the motor vehicle is not used within the program's jurisdiction.

(f) A municipality or a local air quality district administering a program under this section shall administer its local air quality control program according to this chapter, regulations adopted under those sections, and its cooperative agreement under (d) of this section. A municipality or local air quality district's program may, upon a finding by the local agency and an affirmative agreement by the department, establish a more stringent requirement than the stationary source permit program authorized under this chapter if public health or air quality effects provide a reasonable basis to regulate the source with the additional or more stringent requirement and the municipality or district has used procedures substantially equivalent to those required under AS 46.14.010 - 46.14.015 before establishing the more stringent requirement. This subsection does not prohibit a municipality or local air quality control district from establishing a mobile source emissions program more stringent than the state program without making findings of public health or air quality effects or using procedures substantially equivalent to those required under AS 46.14.010 - 46.14.015. In this subsection, "mobile source" does not include tank vessels or other watercraft.

(g) A determination, order, permit, or permit action issued under a local air quality control program is considered to be a determination, order, permit, or permit action of the department.

(h) Notwithstanding any other law or rule of law, the department may not delegate or enable another department or government entity to establish fee rates or collect fees under AS 46.14.240 or 46.14.250.

(i) If a municipality or a local air quality district administering a program under this section requires emissions inspection for a motor vehicle, emission inspection may not be required more than once every two years.

(j) A person who operates a motor vehicle in violation of emissions requirements imposed under this section is guilty of a violation and upon conviction shall be fined \$200. It is the intent of the legislature that money collected under this subsection be appropriated to promote air quality control programs in municipalities.

Sec. 46.14.510. Motor vehicle pollution

(a) When the department determines that the state of knowledge and technology may allow or make appropriate the control of emissions from motor vehicles to further air quality control, the department may provide, by regulation, for the control of the emissions from motor vehicles. The regulations may prescribe requirements for the installation and use of equipment designed to reduce or eliminate emissions and for the proper maintenance of this equipment.

(b) Unless otherwise exempted by law, a person shall maintain in operating condition any element of the air pollution control system or mechanism of a motor vehicle that the department, by regulation, requires to be maintained in or on the motor vehicle. Failure to maintain a required system or mechanism in operating condition subjects the motor vehicle's registration to suspension or cancellation. A motor vehicle whose registration has been suspended or canceled under this subsection is not eligible for subsequent registration until the owner or operator obtains certification from the department, based on a demonstration that the air pollution control system or mechanism is restored to operating condition.

(c) The department shall consult with the Department of Administration regarding implementation of the motor vehicle pollution control program. The Department of Administration shall cooperate with the department in implementing the program.

(d) If the department adopts regulations requiring the maintenance of air pollution control systems or mechanisms in motor vehicles to control emissions from the vehicle, a motor vehicle subject to those regulations may not be issued a certificate of inspection unless the required air pollution control system or mechanism has been inspected in accordance with the standards, testing techniques, and instructions furnished by the department and the motor vehicle has been found to meet those standards. A valid certificate of inspection for the emission control system, if required by the department, must be presented to the Department of Administration before that department may register a motor vehicle.

(e) If the department adopts regulations requiring emissions inspection for a motor vehicle, the department may not require the vehicle be inspected more than once every two years.

(f) A person who operates a motor vehicle in violation of emissions requirements imposed under this section is guilty of a violation and upon conviction shall be fined \$200. It is the intent of the legislature that money collected under this subsection be appropriated to control pollution from motor vehicle emissions.

(g) In addition to the emission control inspection program fee imposed under AS 28.10.423, the department or a municipality may impose a fee upon a vehicle required to be inspected under a motor vehicle emission control program established under this chapter, but the fee may not exceed the actual costs of the department or the municipality in administering

- (1) the motor vehicle emission control inspection program; and
- (2) the related ambient air monitoring program.

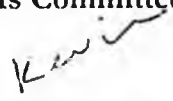
REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

MEMORANDUM

DATE: April 1, 2003

TO: Representative Bruce Weyhrauch
Chairman, House State Affairs Committee

FROM: Representative Kevin Meyer 

RE: HB 81 Motor Vehicle Emissions Inspection

At your earliest convenience, please schedule HB 81 Motor Vehicle Emissions Inspection for a hearing in the House State Affairs Committee.

HB 81 streamlines existing motor vehicle emission statutes to improve compliance and enforcement, provide consistency between State departments, provide relief from extraneous requirements, and protect consumers.

Thank you for your time and consideration.

HB

88

ALASKA STATE LEGISLATURE

Representative Bruce Weyhrauch

HOUSE DISTRICT 4



ALASKA
STATE CAPITOL
JUNEAU, ALASKA
99801-1182

September 26, 2003

(907) 465-3744
FAX (907) 465-2273

Mr. William Tandeske
Commissioner
Alaska Department of Public Safety
PO Box 111200
Juneau Alaska 99811-1200

Dear Bill:

Passage of HB 88 would prohibit the use of cell phones while driving. My committee currently has this bill under consideration. Please let me know if Alaska tracks whether cell phones are related to crashes. Is the state currently studying the relationship between cell phone use and crashes? Are law enforcement officers in any jurisdiction in the state, including troopers, collecting information on the use of cell phones in a crash? If your troopers simply gathered that information during a crash investigation, what would be the cost, if any, and could you do it on your own (for example, by use of a simple check off box on an investigation report)? Or, would you need the legislature to pass a law to require to you to collect the information? If my committee amended HB 88 to require law enforcement officers to collect the information, would you support it?

Thanks for getting back to me on these questions before session begins. I ask that you limit distribution of your responses only to me at this time.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Weyhrauch".

Representative Bruce B. Weyhrauch
Chairman, House State Affairs

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES



State of Alaska
Department of
Public Safety

Frank H. Murkowski, Governor
William Tandeske, Commissioner

October 29, 2003

The Honorable Bruce Weyhrauch
State Capital, Room 102
Juneau, AK 99801-1182

Dear Representative Weyhrauch:

In researching your request for statistical data related to motor vehicle collisions where cellular phone usage may have been a contributing factor, it has been confirmed that such information is not reliably available.

The Motor Vehicle Collision Report form is designed to collect a large amount of data for a variety of purposes. Often the officer completing the report has to make a decision determining the most aggravating factor that led to the collision. It is frequently impossible to determine whether cell phone usage contributed to the incident without a statement to that effect from the driver or a credible witness providing such information.

Cell phone usage is an item listed on the current collision report form as a contributing factor in motor vehicle collisions. It is listed on the form in the area titled "Human Circumstances" which, by definition, are the things the driver(s) may have done that contributed to the collision.

This area on the computerized report form only allows the selection of two choices as "Human Circumstances," so it is therefore not surprising that cell phone usage is often not identified as one of the primary circumstances.

I have discussed this issue with the Alaska Highway Safety Office, who in turn asked for input from the Division of Motor Vehicles. Both entities report that they do not have statistical data in any significant numbers that allow for any conclusion to be drawn concerning cell phone usage and collisions. They both cited the same reasons; lack of evidence that a cell phone was in use at the time of the collision, and the fact that it might be underreported using the current report format.

The Department of Public Safety is currently working with the Alaska Highway Safety Office and the Alaska Department of Transportation to review and consider updating the collision reporting process. If this new process is implemented, it is expected that more data concerning collisions will be gathered and analyzed. There is a meeting scheduled for the involved parties this month.

Office of the Commissioner
450 Whittier Street - Juneau, AK 99811 - Voice (907) 465-4322 - Fax (907) 465-4362

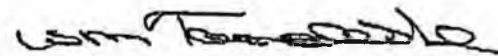
Representative Bruce Weyhrauch
October 29, 2003
Page 2

I reviewed the materials from the first session of this legislature, and I noticed the Department of Public Safety had recommended a couple of additions to your proposed bill. The proposed language reads:

- (a) A driver of a motor vehicle may not use a cellular telephone when operating a motor vehicle on a highway or vehicular way or area unless:
1. the cellular telephone is operated as a hands-free telephone, or
 2. the cellular telephone is being used during an emergency, including reporting a crime; or in the performance of a duty by emergency services personnel

The Department of Public Safety appreciates your interest in making the highways of Alaska safer. If there is any additional information that we can provide to you, please do not hesitate to ask.

Sincerely,



William Tandeske
Commissioner

cc: Colonel Julia Grimes
Director, AST



Alaska Department Of

Public Safety

Frank H. Murkowski, Governor
William Tandeske, Commissioner

November 10, 2003

The Honorable Bruce Weyrauch
Alaska State Legislature
State Capital, Room 102
Juneau, AK 99801-1182

Dear Representative Weyrauch:

I received your request for additional information related to data collection reference a correlation between cell phone use and vehicle collisions and apologize that I was not clearer in my earlier letter and for implying that HB 88 is a bill that you proposed as opposed to a bill in your committee.

As clarification, the Alaska Motor Vehicle Crash Report Form (12-200) is the report form used by all police agencies in the State to report motor vehicle accidents. "Cell phone usage" is one of the options listed on the current collision report form as a contributing factor in motor vehicle collisions. However, at this time, our ability to collect this data is somewhat limited. As the form is currently designed, this area of the computerized form – Human Circumstances – only allows for the selection of two choices. Cell phone use is checked only when it is one of the identified primary contributors.

The Department of Public Safety is the state entity responsible for the Alaska Motor Vehicle Crash Report Form. A State Traffic Records Committee provides guidance to the department concerning the information that should be gathered from the form. This committee is made up of representatives from the Department of Transportation (engineering), Highway Safety Planning Agency, Division of Motor Vehicles, Division of Alaska State Troopers, local law enforcement, plus several other interested parties. This committee decides which types of data are needed to serve the various needs of the many "consumers" of the information. The State Traffic Records Committee met on October 29 and 30.

The committee discussed the collection of data and the need to update the 12-200 form and formed a sub-committee to perform this task. One of things that will be considered is the collection of data related to the use of cell phone and other new technology devices (such as GPS) in contributing to collisions. The data that has been collected to date, as I stated in my original response to your inquiry, is not particularly useful.

Office of the Commissioner
P.O. Box 111200 - Juneau, AK 99811 - (907) 465-4322
(907) 465-4362 fax

Copied to Rep Weyrauch 12/2/03

The Honorable Bruce Weyrauch
November 10, 2003
Page 2

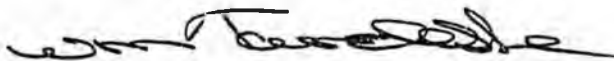
I expect the sub-committee to meet in the very near future. Once the new version of the form has been drafted, all committee members will review the draft to insure that it meets the needs that they represent. The form will then be printed and also made available via electronic means to all police departments. The Committee's goal is to have this process completed by spring 2004. I will ensure that the committee receives a copy of HB 88 and our recent correspondence.

You asked if the Trooper could simply gather information about cell phone usage and what the cost would be. Although it would be possible for the department to gather information about cell phone use via a separate and independent means, I do not think that it would be practical to do so. My preference would be to modify the current method of gathering information related to motor vehicle collisions – Motor Vehicle Collision Report form. I believe that the information generated from the revised statewide form would be more accurate and uniform.

Because the process is already underway to enhance the collection of data related to collisions, the Department of Public Safety does not believe there is a need to amend HB 88 to statutorily require that DPS and police departments collect data specific to cell phone usage as a contributing factor to motor vehicle collisions.

We appreciate your interest in this issue.

Sincerely,



William Tandeske
Commissioner

Alaska State Legislature

Session:
State Capitol Building, Room 418
Juneau, Alaska 99801-1182
Phone: (907) 455-2993
Fax: (907) 465-3835
Toll Free: 1-800-463-2693



Interim:
145 Main Street Loop Road
Suite 221
Kenai, AK 99611
Phone: (907) 283-2690
Fax: (907) 283-2763

Representative Kelly Wolf *House District 33*

SPONSOR STATEMENT

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

Alaska's weather conditions make driving difficult. When combined with the possibility of a 1200-pound moose stepping into the roadway the importance put on a driver's concentration is multiplied. If distracted even momentarily, the situation can become fatal to drivers and passengers. Studies have shown that cell phone use while driving disrupts brain activity of individuals that continue to drive while they talk on their cell phones.

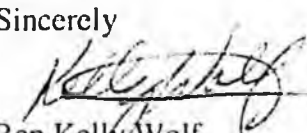
Currently, Alaska restricts some CDL drivers from using cell phones while driving. Alaska, Texas, Idaho, Colorado, Pennsylvania, West Virginia, and Alabama are the only states that have not passed legislation or have legislation pending to restrict cell phone use to hands free units while driving. At present, there are eighteen states that have legislation currently stalled in the committee process.

Alaskans are responsible, independent people. We help one another when in need. Weather can change rapidly making driving conditions hazardous. By requiring drivers to use hands free cell phone units or pull over when they receive, or make a phone call, we not only can save lives, we can also better protect our insurance rates from continuing to rise.

If you use a cellular phone in your car, please stay safe and set a good example by pulling over and stopping before making or taking a call. Tell your friends and family to do the same for their safety and everyone else's. Awareness is the first step!

As sponsor of this bill, I recommend that we send a message to the nation, that Alaskans take responsibility for their actions and are willing to do so through law.

Sincerely


Rep Kelly Wolf

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 88
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
 Title "An Act relating to prohibiting the use of BRU Criminal Division
cellular telephones when operating a motor vehicle; . . ." Component All
 Sponsor Representative Wolf
 Requester House State Affairs Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
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 (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 This bill prohibits the use of cell phones while driving unless the cell phone is operated as a hands-free telephone. Violating this prohibition would be an infraction.

 Traffic tickets are handled by the court with law enforcement assistance. The Department of Law's prosecutors do not appear in these cases. This bill will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson Phone (907) 465-5370
 Division Attorney General's Office Date/Time 2/28/03 2:57 PM
 Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/28/2003
 Agency Department of Law



Member of the **Partnership for Safe Driving**

[Help our Cause](#)

[News & Laws](#)

[Objections?](#)

[Safety Tips](#)

[In Your State](#)

[Over](#)

An Education on Common Objections to Cell Phone Legislation:

"Banning the use of hand held cell phones while driving is an infringement of my personal freedom."

"Talking on a cell phone is no more dangerous than putting on makeup, eating fast food, tuning your radio or reading a map while driving. People need to use common sense, and we can't write laws that make that happen."

"There are already laws that punish careless and reckless drivers appropriately for reckless driving. We don't need another one specifically for cell phones."

"A law like this would not be enforceable."

"This law will be bad for business."

"There isn't enough evidence to prove that using a cell phone while driving causes accidents."

"Cellular telephones are important devices for reporting emergencies."

"Banning the use of hand held cell phones while driving is an infringement of my personal freedom"

Some people have asserted that they believe they have the **right** to use their cell phones while driving. They **dc** that right. The state of Pennsylvania does not guarantee its citizens driving privileges, let alone the ability to drive on a cellular phone. Since when does requiring someone to make a call while the car is in park constitute an attack on a very concept of democratic freedom?

Our state and national constitutions guarantee us all the freedom to live our lives. We have the right as parents thoughtfully and responsibly care for, nurture, and raise our children. These are the kinds of freedoms that built the foundation of a democracy. These are the kinds of freedoms worth fighting for. Cell phone users face no such loss of freedom. They're faced with a minor inconvenience, a change in habit, and nothing more. Any small discomfort someone may experience as a result of this legislation is far outweighed by the overall benefit to public safety.

"Talking on a cell phone is no more dangerous than putting on makeup, eating fast food, tuning your radio or reading a map while driving. People need to use common sense, and we can't write laws that make that happen."

There is no question that there are many distractions occurring in the car. Of course responsible drivers should make every effort to minimize those distractions. But none of those behaviors rise to the same level of driver inattention as driving and then conducting a conversation or closing a business deal on a cellular phone. Human Factors experts tell us there are basically three kinds of driving distractions. The first is *visual*. Looking away from the roadway would be an example of this. The second is *mechanical*. This would include manipulation of a control -- such as dialing a cellular phone or a radio, and can often be associated with a visual distraction. The third is *cognitive*. By example, we have all had the experience of traveling from point A to point B and then realizing that we aren't sure how we got there or what the route was between. Being "lost in thought" or being in focused conversation with someone causes us to withdraw from situational awareness. Researchers are beginning to obtain evidence that shifting from hand held to hands-free phone use does not result in eliminating all cell phone distractions. It addresses the visual and mechanical distractions, but does not address the cognitive issues. This raises the question, "How is conversing on a phone different from talking with

in the vehicle?" There are two important differences. The first is that a passenger in a vehicle is aware of the driving situation and can even serve as an additional look-out for hazards. If there is a needed pause in conversation, they are evident to all parties. The second is that phone use seems to carry a certain obligation of immediacy. When a phone rings, we feel compelled to answer it -- whether it is convenient, safe, or appropriate to do so or not. We become preoccupied on the phone call and lose the situational awareness so necessary for safe driving. (Fran Bents) Of all the distractions mentioned, only the use of a cell phone incorporates all three of those demands. The sheer magnitude of cell phone use also differentiates these behaviors. There are currently 88 million cell phone users in this country alone. There are 10 million new subscribers every day. *That rate of subscribership exceeds the birth rate.* A *Prevention Magazine* survey in 1995 reported that 85% of cell phone owners use their phones while driving at least some of the time. If such statistics are correct, there are now about 75 million drivers talking on their phones while driving. In addition to this, there are currently 100 million cell phones available that allow us to check e-mail and stocks, send faxes, and surf the web, all from our cell phones. Industries are broadly expanding the availability of a multitude of in-vehicle communications devices for e-mail, Internet communications, electronic navigation...are gaining momentum. We know that as a society we **can** provide the means to keep in touch with family and friends, conduct business deals, entertain ourselves, or order a carry out dinner while driving our cars. The important question that has not been adequately addressed is **should** we?*

The Fatal Analysis Reporting System (FARS) is a census of police reported fatal accidents which occur in the U.S. Data about cell phone use are derived from the narrative portions of police accident reports, dependent upon the information provided by the police officer who responded to the crash. Cell phone related cases in 1994 and 1995 contain some interesting similarities. The citations issued to cell phone-using drivers involved in these fatal crashes were disproportionately "inattention" when compared to all drivers included in FARS. In virtually all crashes, the cell phone-using driver was in the striking vehicle. When the type of crash is examined, they fall into two categories -- drivers striking something in their lane, or leaving their lane of traffic -- this pattern is repeated every day on our highways. Data contained in the Automotive Sampling System (NASS) containing nationally representative data on all types of crashes followed a similar pattern. In eight examined crashes, 5 of the drivers struck something stopped in front of them, the remaining 3 struck a vehicle in their lane of travel and struck a vehicle or object. In these crashes, 6 of the drivers were engaged in conversation, on dialing his phone, and one was hanging up. Of the 6 engaged in conversation, two of the drivers were using mobile phones in hands-free mode. What is common among all these drivers is inattention. These drivers were not prepared for changing situations which required emergency maneuvers, they simply failed to control their vehicles during routine driving conditions.*

Some people have a problem with the concept of legislating personal responsibility, but legislating personal responsibility is nothing new. The state of Pennsylvania has enacted laws enforcing the use of seatbelts and child safety seats. A century ago, personal responsibilities? Once it was realized that people were not wearing seat belts or strapping their children into car seats, it took an act of legislation to force the public to change their habits. In 1988, the year following the enactment of the seatbelt law, we saw a 100% increase in the public's use of safety belts. This change in social acceptance can be seen as a direct result of the legislation. In today's society we **MUST** legislate because there are people out there who do not take personal responsibility for their own safety and that of others. We do not pass laws to punish responsible people, we pass laws to protect ourselves from irresponsible ones.

"There are already laws that punish careless and reckless drivers appropriately for reckless driving. We do not need another one specifically for cell phones."

Careless and reckless driving laws *do* cover a wide variety of driving infractions. Yet we don't choose to simply legislate reckless driving behaviors under reckless or careless driving. We make special laws making it illegal to drive through a red light, to follow the speed limit, or to stop when a school bus lets off children. We also made a law specifically addressing the behavior of driving while intoxicated. Why? A person violating any of these laws could *surely* be accused of reckless or careless driving. When we recognize a *specific* behavior as being particularly hazardous we address it independently. Laws clearly define particular behaviors as unacceptable leaving no ambiguity for drivers or law enforcement officers. Legislation is needed because it underscores to the public exactly how dangerous and destructive the behavior can be. A law makes people think about that specific behavior and its consequences. Currently, in the state of Pennsylvania, one can run a red light, stop sign while being distracted using a cellular phone, cause someone's death, and receive only two traffic tickets and a \$50 fine.

"A law like this would not be enforceable."

Some lawmakers have raised the question of whether a law such as this would be enforceable. Is it because the be difficult to see people driving and using their cell phones? How do police officers detect whether someone is wearing a seatbelt? How do they spot an invalid inspection sticker? All of these things would be difficult to detect and then enforce. Yet we've made them laws anyway. When we are faced with overwhelming safety concerns, we legislate even passed laws making it illegal to carry a concealed weapon. The very nature of that offense would make it unlikely that an officer would be able to enforce it. Yet we've still passed the law anyway. Why? The hope is always lawmakers will be able to spot and remove potential hazards from the public before harm occurs, but if that fails the ability after the fact, to assess additional penalties on those who have chosen to act recklessly or irresponsibly.

"This law will be bad for business."

The fact is that as we speak there are business all over this country who are rewriting their employee handbook the use of cell phones while driving. Companies such as Johnson & Johnson, the third largest pharmaceutical company in the world, and Praxair, a bottled gas transportation company, just to name a few, have prohibited their employees from using cell phones in moving vehicles while on company time. They see how vulnerable they are, in terms of liability, if an accident were to occur. The companies can distinguish the difference between the small advantage their employees gain by conducting business on their phones while driving, and the enormous disadvantage of being held financially responsible for the injury or life of the employee and any person they strike while exhibiting this behavior.

For instance, in February of last year Smith Barney, the brokerage firm, paid THREE MILLION DOLLARS to the family of a man, whom one of their employees struck and killed because he ran a red light while on his phone. The precedent is set. What could be worse for business?

"There isn't enough evidence to prove that using a cell phone while driving causes accidents."

A lack of statistical data about a problem is not the same thing as a lack of evidence!*

The fact is, we **have** evidence that a problem exists. We don't have *statistics* not because they don't exist, but because we don't currently *collect* them.

The Harvard Center for Risk Analysis published a study (funded by AT&T) in the summer of 1999 in a journal called *Decision Making*. In the study, they assigned a crash risk factor to using cell phones. Mike Goodman took the factor and applied it to the number of cell phones in use last summer (95 million). We're up to 107 million as of December 2000, it comes out to 450 - 1000 fatalities each year.*

NHTSA says that for every fatality, there are 666 property damage and injury producing crashes. So, we are having somewhere between 300,000 and 650,000 "other" crashes due to cell phones.*

NHTSA also says that an average crash costs society \$37,000. This means we have a multi-billion dollar problem that is trying to fix.*

We killed 120 kids and small statured women with airbags and there was a huge government, industry and social response. We killed 150 people with Firestone tires, and the response was the same. Both airbags and tires are parts of the driving environment. Cell phones are not, so why do we tolerate this problem?*

Pennsylvania police are not required to note whether a driver involved in an accident had been on the phone, so linking crashes to phones are hard to come by. Only Oklahoma and Minnesota record that information, but experts say their data-collection methods are dated and unreliable.

"The information you need most is not available, because we are not collecting it," said Mark Burris of the University of South Florida's Center for Urban Transportation Research. In November, Japan became one of 14 countries that ban handheld phone use while driving. "Accidents caused by the use of mobile phones dropped by 75 percent the next year," Burris noted.


"Cellular telephones are important devices for reporting emergencies."

This is absolutely true, and the law enforcement community supports such use. But emergency calls can and should be made from stopped vehicles. Indeed, most calls relate to witnessing a crash. Under such circumstances, traffic is stopped, and witnesses attempt to render aid.*

The cellular telephone industry often demonstrates their commitment to promoting safety for their customers through the use of information packets included with product purchases or customer billing, and through the occasional television advertisements. Many industries include caveats for product use in the literature that accompanies products. Most of us don't read any because we know it is provided to protect companies during litigation.*

*Information marked with an asterisk provided by Fran Bents, co-author of the Department of Transportation's report entitled "An Investigation of Wireless Communications in Vehicles," in her March 7, 2000 testimony before the Senate Transportation Committee in Pennsylvania.

[Return to HOME](#)

Web page design by:

215 799.0903 Telford, PA

©2003 MorganLee.Org. All rights reserved. Unauthorized use of images or email contacts is prohibited.
For website related inquiries, broken links, etc. only, please e-mail the website administrator.
Thank you for visiting our site. You are one of **154,333** people concerned about safety on our roads.

Member of the **Partnership for Safe Driving**[Help our Cause](#)[News & Laws](#)[Objections?](#)[Safety Tips](#)[In Your State](#)[Over](#)**Morgan's Tips for Cell Phone Driving Safety**

Please don't wait for a set of laws governing cell phones on the road -- please use common sense!

Why common sense isn't always enough -- click here!

- Use your cell phone only when parked, or have a passenger use it.
- Never dial the phone or take notes while driving.
- If your phone rings while driving, let the cellular voice mail service take the call and list message later when you are parked.
- AND, for those who would argue that talking on your cell phone is no more dangerous putting on makeup, eating fast food, or reading a map while driving....[Please click here](#)

These tips are meant to protect you, your family, and everyone else on the road. Cell phones are wonderful tools, when used safely.

The cellular phone industry posts the following tips, which we believe are insufficient for driving safety. Still, if you follow only these safety tips, you can make a big difference in the safety of our roads:

Get to know your phone

Get to know your phone and its features such as speed dial and redial. Carefully read your instruction manual and learn to take advantage of valuable features most phones offer including, auto redial and memory dial-most phones can store up to 99 numbers in memory dial. Also, work to memorize the phone keypad so you can use the speed dial function without taking your attention off the road.

Use hands free devices

When available, use a hands free device. A number of hands free wireless phone accessories are readily available today. Whether you choose an installed mounted device for your phone or a portable phone accessory, take advantage of these devices if available to you. (***)Note, studies have shown that the distraction of a driver's attention from the road contributes to accidents involving cell phones and that handsfree devices do not reduce the incidence of accidents(***)

Position your phone within easy reach

Position your phone within easy reach. Make sure you place your wireless phone within easy reach and where you can grab it without removing your eyes from the road. If you get an incoming

an inconvenient time, let your voice mail answer it for you.

Suspend conversation during hazardous conditions

Suspend conversations during hazardous driving conditions or situations. Let the person you speaking to know you are driving; if necessary, suspend the call in heavy traffic or hazardous weather conditions. Rain, sleet, snow and ice can be hazardous, but so is heavy traffic. As a your first responsibility is to pay attention to the road.

Pay attention to the road

Do not take notes or look up phone numbers while driving. If you are reading an address on a business card while driving a car, or writing a "to do" list, then you are not watching where you are going. It's common sense. Don't get caught in a dangerous situation because you are reading and writing and not paying attention to the road or nearby vehicles.

Dial sensibly and assess the traffic

Dial sensibly and assess the traffic; if possible, place calls when you are not moving or before you enter into traffic. Try to plan your calls before you begin your trip, or attempt to coincide your calls with times you may be stopped at a stop sign, red light or otherwise stationary. But if you need to dial while driving, follow this simple tip-dial only a few numbers, check the road and your mirrors, and then continue.

Do not engage in distracting conversations

Do not engage in stressful or emotional conversations that may be distracting. Stressful or emotional conversations and driving do not mix-they are distracting and even dangerous when you are behind the wheel. Make people you are talking with aware you are driving and if necessary, suspend conversations which have the potential to divert your attention from the road.

Use your phone to call for help

Use your phone to call for help. Your wireless phone is one of the greatest tools you can own to protect yourself and your family in dangerous situations-with your phone at your side, help is just three numbers away. Dial 9-1-1 in the case of fire, traffic accident, road hazard, or medical emergencies. Remember, it is a free call on your wireless phone!

Use your phone to help others

Use your phone to help others in emergencies. Your wireless phone provides you a perfect opportunity to be a "good Samaritan" in your community. If you see an auto accident, crime in progress or other serious emergency where lives are in danger, call 9-1-1, as you would want to do for you.

Call roadside assistance when necessary

Call roadside assistance or a special wireless non-emergency assistance number when necessary. Certain situations you encounter while driving may require attention, but are not urgent enough to merit a call to 9-1-1. But you can still use your wireless phone to lend a hand. If you see a broken down vehicle posing no serious hazard, a broken traffic signal, a minor traffic accident where a vehicle appears injured, or a vehicle you know to be stolen, call roadside assistance or other special

emergency wireless number.

[Return to HOME](#)



Web page design by
[REDACTED]
215.799.0903 Telford, PA

©2003 MorganLee.Org. All rights reserved. Unauthorized use of images or email contacts is prohibi

For website related inquiries, broken links, etc. only, please e-mail the website administrator.

Thank you for visiting our site. You are one of **154,335** people concerned about safety on our i



Environment, Energy and Transportation Program

Cell Phones and Highway Safety: 2000 State Legislative Update

PDF version

Updated May 2001

by Matt Sundeen, *Senior Policy Specialist*

Contents

- State Action
- Federal Action
- Local Action
- International Action
- Conclusion
- References
- Internet Links
- Contacts for More Information
- Table 1. State Restrictions on the Use of Cellular Telephones
- Table 2. 2000 Legislation

Wireless telecommunication technologies are rapidly becoming a significant concern in regard to highway safety. Almost 90 million people subscribe to wireless telephone services, and 85 percent of those subscribers use their phones while driving to conduct business, report emergencies, stay in touch with loved ones, call for assistance, and report aggressive or drunk drivers.

It's not just phones on the road anymore. In 1999, two major auto manufacturers - General Motors and Ford - formed agreements with telecommunications companies that will enhance wireless features in even more vehicles. Future cars will provide drivers with concierge services, web-based information, online e-mail capabilities, CD-ROM access, on-screen and audio navigation technology, and a variety of other information and entertainment services.

Telecommunications companies say that new technology in cars not only will improve communication but highway safety as well. Already, an estimated 98,000 emergency calls are placed by cell phone users each day, and billions of dollars of business may be transacted by drivers each year. Still,

published in the *New England Journal of Medicine* and by the National Highway Traffic Safety Administration (NHTSA) have concluded that cellular phones often reduce emergency response times and actually save lives. New technology also may make it easier for people to drive more safely on the road.

State policymakers, however, must weigh the promises of wireless technology in cars against growing evidence of the potential dangers. The 1997 study published in the *New England Journal of Medicine* concluded that the distraction caused by phone use in motor vehicles quadrupled the risk of a collision during the brief period of a call, a rate equivalent to the impairment caused by legal alcohol intoxication. Other studies - conducted in the United States as well as in Great Britain and Japan - have similarly concluded that speaking on mobile phones, even if they are hands-free, can make drivers a risk on the road. The basic conclusion of these studies is that the distraction of the car driver, even the actual act of dialing, impairs a driver's ability to safely operate the vehicle.

Cell phones have been suspect in numerous motor vehicle crashes across the country. In 1997, a driver who was also using a cell phone killed a 2-year-old girl in Pennsylvania. Another driver, distracted by a cell phone, hit and killed a state corrections officer in North Carolina. This year, a 10-year-old Pennsylvania girl suffered severe head injuries in a crash caused by a driver who was distracted by a mobile phone.

Wireless technology proponents argue that phones are no more distracting than a radio, food, or a vanity mirror. They say that the same reckless driving laws that apply to other drivers should also apply to people who drive carelessly while using a car phone. As the number of traffic incidents involving cell phones and other technologies continues to rise, however, legislators may feel growing pressure to specifically restrict these technologies in cars.

State Action

All states make reckless or careless driving illegal. Few states, however, specifically regulate cellular phone use in automobiles. California, Florida and Massachusetts impose minor restrictions on cellular telephones in automobiles. In California, rental cars with cellular telephone equipment must include written operating instructions for safe use. In Florida, cellular phone use is permitted in an automobile as long as it provides sound through one ear and allows surrounding sound to be heard with the other ear. In Massachusetts, car phones are permitted as long as they do not interfere with vehicle operation, and drivers keep one hand on the steering wheel at all times (see table 1).

Table 1. State Restrictions on the Use of Cellular Telephones

California	Veh. Code 28090	Rental cars with cellular telephone equipment must include written operating instructions concerning its safe use.	\$100 maximum for first violation, \$200 maximum for second; \$250 for third and subsequent violations committed within one year.
Florida	FLS 316.304	Cellular phone use is permitted as long as it provides sound through one ear and allows surrounding sound to be heard with the other ear.	\$30 for each violation; non-moving violation.

		sound to be heard with the other ear.	
Massachusetts	GLA 90-13	Cellular phone use is permitted as long as it does not interfere with the operation of the vehicle and one hand remains on the steering wheel at all times.	\$35 maximum for first violation; \$35 to \$75 for second violation; \$75 to for third and subsequent violations committed with one year.
<p>Note: All other states place no restrictions on cellular phone use in vehicles.</p> <p>Source: NCSL, July 2000</p>			

California, Florida, Iowa, Maryland, Minnesota, Montana, Oklahoma, Pennsylvania and Texas require police to include information about cellular telephones in accident reports. Tennessee requires some law enforcement agencies to collect data about cell phone involvement in crash Michigan state police began collecting data in 2001. No state bans wireless phones in automo

At least 45 states since 1995 have proposed bills concerning cellular telephones in automobile 2000, at least 27 states considered measures that targeted cellular telephones and other technology in motor vehicles (see table 2). Legislation varied in severity from proposals that w ban all use in vehicles, to requirements for hands-free devices, improved data collec'.on, and l that would make drivers more liable if they are involved in a crash while using a cell phone. Although no legislation passed, bills are still pending in several states. Only 15 states propose legislation in 1999.

Table 2. 2000 Legislation

State	Bill Description	Bill Status
Arizona	SB 1017 - Prohibits the use of cell phones and other electronic devices while driving.	Session adjourned. No action c bill after January.
Colorado	HB 1156 - Prohibits the use of hand-held cell phones while driving.	Died in committee.
Connecticut	<p>HB 5843 -Prohibits the use of cell phones while operating a motor vehicle in the left lane of a limited access highway.</p> <p>HB 5899 - Prohibits the operation of a motor vehicle while using a hand-held cell phone or engaging in other inattentive behavior.</p>	<p>Session adjourned. No action c bill after March.</p> <p>Failed joint favorable deadline.</p>

Delaware	SB 319 - Requires the Department of Public Safety to collect and publish data related to the use of cellular, mobile and other portable phones and devices by the operators of motor vehicles at the time an accident occurs.	Defeated in Senate.
Georgia	<p>SR 611 - A resolution to encourage drivers in Georgia to observe good judgement when using cell phones while driving.</p> <p>SB 395 - Concerns both habitually negligent drivers and the use of mobile phones while driving.</p> <p>SR 650 - Asks wireless phone companies to educate customers about the safe way to use cell phones while driving.</p> <p>HB 310 - Makes changes to certain provisions regarding driver use of radios and mobile telephones.</p> <p>SB 353 - Establishes proper use of radio and mobile telephones while driving. Use of mobile phone constitutes reckless driving.</p> <p>SB 298 - Concerning provisions relating to the use of mobile phones or radios while driving.</p> <p>SB 323 - Concerning proper use of mobile phones and radios while driving. Using more than one hand for cell phone call improper.</p>	<p>Session adjourned. No action c bill after February.</p> <p>Session adjourned. No action c bill after February.</p> <p>Session adjourned. Bill failed.</p> <p>Session adjourned. No action c bill after June.</p> <p>Session adjourned. No action c bill after January.</p> <p>Session adjourned. No action c bill after January.</p> <p>Session adjourned. No action c bill after January.</p>
Hawaii	<p>HB 2079 - Prohibits the use of a cellular phone while driving unless the driver has both hands on the wheel.</p> <p>SCR 44 - Requires the Dept. of Transportation to conduct a study on traffic accidents involving the use of cell phones.</p>	<p>Died in House.</p> <p>Died in Senate.</p>

Iowa	<p>HB 2051 - Prohibits the use of cell phones while driving. Prohibits all call longer than one minute. Emergency exemption.</p> <p>HB 2103 - Limits the use of cell phones while driving in congested parking lots unless the call is for an emergency.</p>	<p>Session adjourned. No action on bill after January.</p> <p>Session adjourned. No action on bill after February.</p>
Illinois	<p>HB 4479 - Provides that a driver may use a cell phone only with a hands-free apparatus.</p> <p>HB 1363 - Amends the Vehicle Code by prohibiting drivers from using cell phones unless the driver uses a hands-free device.</p>	<p>Referred to House Committee on Rules.</p> <p>Referred to House Committee on Rules.</p>
Indiana	SB 386 - Prohibits the use of mobile telephones while driving.	Adjourned. No action on bill since January.
Kansas	HB 2705 - Prohibits the use of hand-held cell phones while driving.	Died in Committee.
Kentucky	<p>HB 172 - Prohibits the use of cell phones by non-emergency personnel while driving.</p> <p>HB 173 - Prohibits the use of cell phones by motor vehicle drivers.</p>	<p>Session adjourned. No action on bill after January.</p> <p>Session adjourned. No action on bill after January.</p>
Massachusetts	HB 4810 - Prohibits the use of mobile telephones while driving a school bus, except in an emergency.	From Joint Committee on Public Safety, ought to pass.
Maryland	HB 43 - Prohibits the use of hand-held mobile telephones by the driver of a motor vehicle.	Died in committee.
Michigan	<p>SB 1015 - Includes in the definition of careless or negligent driving the use of cell phone while driving that prevents the driver from putting both hands on the wheel.</p> <p>HB 5567 - Allows points to be added to a driver license record when it is determined that the use of cellular</p>	<p>Referred to Senate Committee on Transportation and Tourism.</p> <p>To House Health Committee.</p>

	telephone contributed to the cause of the accident or violation.	
Minnesota	HB 745 - Clarifies where televisions may be placed in motor vehicles. SB 696 - Relates to the placement of televisions in motor vehicles.	Bill carried over to 2000 sessio Bill carried over to 2000 sessio
Missouri	HB 1184 - Prohibits the use of cell phones while driving.	Died in committee.
Nebraska	LB 993 - Creates a presumption of contributory negligence for drivers who use a cell phone and are involved in a crash.	Died in committee.
New Hampshire	HB 1273 - Prohibits the use of cellular telephones while driving. LSR 2031 - Restricts the use of cellular telephones while driving.	Referred to House Committee Transportation Filed request.
New Jersey	AB 1929 - Prohibits the use of cell phones while driving. Requires that police reports track whether cell phones were in use before accidents. SB 849 - Sets penalties for using a cell phone while driving. AB 2051 - Prohibits the tracking of speed monitoring of cars via cell phone signals. AB 2487 - Requires cell phone use to be tracked in connection with motor vehicle crashes. AB 408 - Prohibits the use of cell phones while driving. SB 480 - Prohibits the use of cell phones while driving.	Referred to Assembly Committ on Transportation. Referred to Senate Committee Law and Public Safety. Referred to Assembly Committ on Law and Public Safety. Referred to Assembly Committ on Transportation. Introduced and referred to Assembly Committee on Transportation. Introduced and referred to Sen Committee on Law and Public Safety.
New York	SB 6339 - Prohibits the use of hand-held cellular phones while driving.	Referred to Senate Committee Transportation.

SB 6424 - Requires police to indicate whether cell phones were in use prior to a motor vehicle crash.

Referred to Senate Committee Transportation.

AB 11024 - Requires police to record information relating to the use of cell phones in motor vehicle crash reports.

Referred to Assembly Committ on Transportation.

SB 7840 - Requires the Dept. of Motor Vehicles to include information on the use of cell phones in motor vehicle crashes in its annual summary of motor vehicle crashes.

Referred to Senate Committee Transportation.

SB 6900 - Requires the Governor's Traffic Safety Committee to study the effects of cell phones and other driver distractions on highway and traffic safety.

Amended in Senate Committee Transportation.

SB 7460 - Prohibits the use of hand-held cell phones while driving.

Referred to Senate Committee Transportation.

AB 1435 - The Governor's Traffic Safety Committee is required to study the effects of cell phone use and other distractions on highway and traffic safety and reducing motor vehicle crashes related to cell phone use.

Passed Assembly and sent to Senate.

AB 2302 - Prohibits the use of cell phones while driving on a public highway; allows for hands-free device in certain circumstances.

Referred to Assembly Committ on Transportation.

AB 3016 - Requires police officers to indicate on motor vehicle accident reports whether cell phone use played a part in the accident.

Referred to Assembly Committ on Transportation.

AB 3684 - Prohibits the use of cell phones while driving unless the driver is in fear of his or her life or fears that a criminal act may be perpetrated against them.

Referred to Assembly Committ on Transportation.

AB 4361 - States that it is against the law to drive while using a hand-held cell

Amended in Assembly Committ on Transportation.

Referred to Assembly Committ on Consumer Affairs.

	<p>phone. Sets out penalties and fines. Hands-free devices are exempt.</p> <p>AB 4947 - Requires that cell phone manufacturers place warning labels on cell phones explaining the dangers of driving while using a cell phone.</p> <p>AB 5838 - Requires DMV to include information on cell phone use relating to motor vehicle crashes in its annual summary of motor vehicle crashes.</p> <p>AB 6120 - Prohibits the use of cell phones while driving unless the driver is calling 911 or is in fear of his or her life.</p> <p>SB 1435 - Prohibits the use of cell phones while driving on a public highway. Allows the use of hands-free devices.</p> <p>SB 1767 - Requires police to indicate whether cell phones were in use during motor vehicle crashes.</p> <p>SB 2134 - Prohibits the use of cell phones while driving except when the driver is alone or in fear of his or her life.</p>	<p>Referred to Senate Committee Transportation</p> <p>Referred to Assembly Committee on Rules.</p> <p>Referred to Senate Committee Transportation.</p> <p>Referred to Senate Committee Transportation.</p> <p>Referred to Senate Committee Transportation.</p>
Ohio	<p>HB 251 - Prohibits the use of cell phones while driving unless the driver is reporting an emergency. Requires the state highway patrol to collect data regarding cell phone use.</p>	<p>In House Committee on Transportation and Public Safe</p>
Pennsylvania	<p>SR 127 - Directs the Joint State Government Commission to study issue of distracted drivers, including cell phone use.</p> <p>HB 2196 - Prohibits school bus drivers from using cell phones while operating the bus.</p> <p>HB 2301 - Prohibits the use of hand-held cell phones while driving.</p>	<p>Died in Senate.</p> <p>Died in committee.</p> <p>Died in committee.</p> <p>Died in committee.</p> <p>Died in committee.</p>

	<p>SB 1279 - Prohibits the use of cell phones while driving.</p> <p>HB 395 - Prohibits the use of cell phones while driving.</p> <p>HB 2112 - Prohibits the use of cell phones while operating a moving vehicle.</p> <p>SB 1085 - Prohibits the use of cell phones while driving.</p> <p>HB 2184 - Limits the use of mobile phones while driving.</p>	<p>Died in committee.</p> <p>Died in committee.</p> <p>Died in committee.</p>
Rhode Island	<p>HB 6907 - Prohibits the use of earphones, headsets and mobile phones while driving.</p> <p>HB 7255 - Requires police officers to report the use of cell phones in motor vehicle crashes.</p> <p>HB 7145 - Limits televisions in driver compartment of motor vehicles.</p> <p>SB 2653 - Prohibits the use of hand-held cell phones while operating a bicycle or motor vehicle.</p> <p>HB 5573 - Prohibits the use of cell phones while driving.</p> <p>SB 741 - Allows televisions to be installed in motor vehicles if they are outside the field of vision of the operator.</p>	<p>Referred to Joint Committee or Highway Safety.</p> <p>Referred to Joint Committee or Highway Safety.</p> <p>Referred to Joint Committee or Highway Safety.</p> <p>Transferred to Joint Committee Highway Safety.</p> <p>Referred to Joint Committee or Highway Safety.</p> <p>Referred to Senate Committee Corporations.</p>
South Carolina	<p>HB 4956 - Prohibits the use of a cell phone while driving a motor vehicle unless the phone is hands-free.</p>	<p>Referred to Committee on Transportation.</p>
Washington	<p>HB 2876 - Establishes penalties for car phone use that causes personal injury.</p> <p>SB 6265 - Concerning tracking cell</p>	<p>Referred to House Committee Criminal Justice and Correction No action on bill after January.</p>

	phone usage in accident reports.	Died in committee.
West Virginia	SB 405 - Establishes penalties for causing injury while driving and using a cell phone.	Session adjourned. Bill died.
Wyoming	HB 176 - Prohibits the use of cell phones while driving.	Failed introduction.

Source: National Conference of State Legislatures, July 2000

Federal Action

To date, the federal government has not acted to limit cellular telephone use in automobiles. However, in 2000 NHTSA held several public events that focus on the potential safety implications associated with driver distraction while using advanced in-vehicle technologies that receive, transmit or display various types of information, including those that allow drivers to phone, fax, obtain route guidance, view infrared images on a head-up display, and use the Internet and other such devices.

The first event, an international Internet forum in July and August, provided an opportunity for technical experts and the general public to download technical papers, ask questions, and relate their experiences regarding the use of in-vehicle devices and their effect on safety and driving performance. A second event allowed representatives of the public, industry, government and safety groups to share viewpoints, information and recommendations regarding strategies to minimize potential adverse effects of driver distraction on safety when using such telematic devices. As a result of these meetings, NHTSA's Deputy Administrator Rosalyn Millman indicated that "NHTSA's consumer information will now include advise that growing evidence suggests using wireless phone or other electronic device while driving can be distracting and drivers should not be on the phone or use other devices while their vehicles are in motion."

Local Action

Although no state has restricted cell phones in cars, local jurisdictions are moving quickly to address the issue. Ten local jurisdictions now require drivers to use hands-free cell phone devices while operating a motor vehicle. These include:

- Brooklyn, Ohio;
- Conshohocken, Pennsylvania;
- Lebanon, Pennsylvania;
- Marlboro, New Jersey.
- West Conshohocken, Pennsylvania;
- Suffolk County, New York;
- Carteret, New Jersey; and
- Brookline, Massachusetts.
- Westchester County, New York.
- Nassau County, New York

An estimated 300 additional local jurisdictions including Aspen, Colorado; Boca Raton, Florida; Santa Monica, California; Philadelphia; Cleveland and Chicago may be considering or already considered similar ordinances. New York City prohibits taxicab drivers from using cell phones driving. An ordinance in Hilltown Township, Pennsylvania was struck down by an appellate court.

International Action

Twenty countries now restrict or prohibit cell phones and other wireless technology in motor vehicles. These include Australia, Brazil, Chile, Denmark, England, Germany, Greece, Israel, Japan, Poland, Portugal, the Philippines, Romania, Singapore, Slovenia, South Africa, Spain, Switzerland and Turkey. Delhi, India, and Hong Kong also impose restrictions on car phones.

Conclusion

Wireless telephones and other telecommunications technologies will continue to proliferate in vehicles. As use increases, state legislatures will be increasingly challenged to balance safety concerns against the obvious benefits. Already, state legislatures are considering measures to improve data collection, make drivers liable for crashes caused by mobile phones and other distractions, and restrict use of mobile telephones in motor vehicles.

References

Hahn, Robert W., and Paul C. Tetlock. *The Economics of Regulating Cellular Phones in Vehicles*. Washington, D.C.: AEI-Brookings Joint Center for Regulatory Studies, October 1999.

National Highway Traffic Safety Administration. *An Investigation of the Safety Implications of Wireless Communications in Vehicles*. Washington, D.C.: November 1997.

Redelmeier, Donald A., and Robert J. Tibshirani. "Association Between Cellular-Telephone Calls and Motor Vehicle Collisions." *The New England Journal of Medicine* 336, no. 7 (Feb. 13, 1997):453-458.

Internet Links

NCSL Legislative Tracking Service

The "Car Talk Guys"

Patricia Pena's Web Site

Cellular Telecommunications Industry Association

Contacts for More Information

Matt Sundeen
(303) 830-2200 ext.269

Jim Reed
(303) 830-2200 ext.197

As part of a cooperative agreement with the National Highway Traffic Safety Administration (NHTSA), the National Conference of State Legislatures (NCSL) tracks state legislation related to highway safety. This report summarizes legislation in 2000 concerning cell phones and driving, as well as federal, local and international activities. This report updates a similar 1999 publication.



Visitor counts for this page.

National Conference of State Legislatures
INFO@NCSL.ORG (autoresponse directory)

Denver Office:
7700 East First Place
Denver, CO 80230
Tel: 303-364-7700
Fax: 303-364-7800

Washington Office:
444 North Capitol Street, N.W., Suite 515
Washington, D.C. 20001
Tel: 202-624-5400
Fax: 202-737-1069

FEATURE REPORT

February 2002

The distraction factor

Studies show that cell phones and driving don't mix. But will cell-phone legislation solve the problem?

Common sense suggests that talking on a phone can distract a driver from the all-important task of driving safely. And research seems to support this. A growing number of studies at universities, government labs, and corporations in the U.S. and around the world show that drivers' reaction times slow down and that judgment is impaired when people use a phone while driving.



Photo by Tracey Kroll

The big question has been *how* impaired. To what degree are drivers' reaction times slowed? And is this an acceptable risk? Is phone use any worse than, say, chatting with a passenger, tuning a radio, or reading a billboard? If so, what needs to be done to solve the problem?

Growing concern over this issue is causing many states and municipalities to adopt or consider legislation restricting the use of cell phones while driving.

On December 1, 2001, New York became the first state to ban handheld cell phones while driving; 35 other states are considering similar legislation (see [Cell-phone use legislation by state](#)). In addition, several towns in Florida, Massachusetts, New Jersey, New Mexico, Ohio, Pennsylvania, and Utah have enacted bans, as have about 20 countries.

All the bans in the U.S. and the vast majority of the legislation target only handheld cell phones, allowing people to use hands-free phones while driving. Accumulating evidence, though, suggests that simply talking on a telephone--not just dialing or holding a receiver--can seriously impair a driver and should be restricted to people who are not actually driving.

Late last year, we conducted a limited evaluation of our own regarding the use of handheld cell phones vs. hands-free versions while driving. For some drivers, we found degraded performance using any phone, which suggests that most legislative efforts are not addressing the right problem.

WHAT THE STUDIES SAY

The suspicion about cell phones and cars caught fire exactly five years ago, with a study published in February 1997 in "The New England Journal of Medicine." That study, conducted in Toronto, Ontario, looked at 699

• [Cell-phone use legislation by s](#)

- [Subscribe](#)
- [Renew](#)
- [Gift subscriptions](#)

Consumer Reports

Expert Forum, [C phones -- service handsets](#), January February 1, 2002

Our unbiased Ratings can help you find the best performing, most reliable products. Become a [subscriber](#) for just \$24 and get a full year's instant access to our test results for thousands of products in dozens of categories.

drivers who owned cell phones and had been in collisions. It concluded that when a phone was used while driving, the risk of a collision was between 3 and 6.5 times higher than when a phone was not used. It also concluded that the relative risk was similar to that of driving with a blood-alcohol level at the legal limit, and that cell phones that allowed hands-free operation offered no safety advantage.

Those findings sparked many more studies, which varied in their results. Many critics thought the Toronto study was flawed: that the sample was too small; it was limited to urban drivers in one city; and it was limited to cell-phone users who had had a collision--hardly a representative sample.

More recently, a study on driver distraction by the University of North Carolina Highway Safety Research Center seemed to vindicate

"When you're talking,
you're impaired."

--Dr. David Strayer, *University of Utah*

cell-phone use. That study, funded by the American Automobile Association Foundation for Traffic Safety, listed driver-distraction factors associated with serious crashes. The major culprits in some 300,000 distracted-driver accidents were listed as "something outside the vehicle" (about 30 percent); adjusting the audio system; and talking with other occupants (about 11 percent each). Cell-phone use was a distant eighth on the list, a factor in 1.5 percent of the collisions.

That study, too, had its critics. The biggest problem was that the on-site accident investigators often didn't have a space to fill in "cell phone" on their reports of causes. So cell-phone use was almost certainly underreported. This, in fact, is a common problem with studies that rely on accident reports, since most states haven't required the use of a cell phone during an accident to be reported.

The truth may lie somewhere in between. As long ago as 1969, a study by England's Medical Research Council noted that during familiar, routine driving, phone use didn't do any notable harm. But when a driver had to make a quick decision--determining, for example, whether the lane ahead was wide enough to get the car through--drivers talking on a phone exhibited much poorer judgment than those who were not.

Other distraction studies have tried to separate the factors leading to impairment:

- ▶ Last year, a Cambridge Basic Research study found degraded steering performance among subjects dialing a phone manually, but no such effect when the subjects used voice dialing.
- ▶ At about the same time, researchers at Miami University, in Ohio, concluded that the intensity of a conversation wasn't a special issue, although merely using a phone created longer braking-reaction times.

Other studies have outlined the characteristics of the phone-and-drive population:

- ▶ Some individuals are clearly better at multitasking than others.
- ▶ Some get better with practice, though signs of impairment may only diminish rather than disappear.
- ▶ On the whole, drivers under the age of 50 are less impaired by multitasking challenges than are drivers age 50 or over.

One of the leading researchers on this subject is a psychologist, David Strayer, Ph.D., of the University of Utah. Using a state-of-the-art driving simulator, which mimics the cabin of a Ford Crown Victoria sedan with wrap-around viewing screens, Strayer has studied the effect of handheld vs. hands-free phones.

"People talking on any phone tend to act like sluggish drivers," Strayer told us. "They're slow to react, particularly to unexpected events. It takes them longer to hit the brakes. They're more likely to miss signals and more likely to have accidents."

Strayer is clear on the subject of the type of phone used. "We've noted no safety advantage for using a hands-free vs. a handheld phone. It's conversation that drives this effect. When you're talking, you're impaired." He adds that merely listening isn't an issue. "We haven't noted any attention interference at all for someone listening to the radio or a book on tape."

CONSUMER REPORTS' TEST

Late last fall we conducted a limited evaluation of driver distraction at our Auto Test facility in Connecticut. It focused on the use of handheld and hands-free cell phones while driving and whether there was any clear advantage to using one over the other.

The 10 subjects were all staffers of our Auto Test Division or their relatives, ages 24 to 45. They drove four laps of a marked 2 1/2-mile course consisting of straight open stretches, wooded hills, and curves of varying difficulty. They were asked to maintain a consistent speed from lap to lap of between 30 and 40 mph, and the laps were timed. An instructor/observer sat in the passenger seat.

In the first two laps, participants drove the course without a phone. On the first there was light conversation with the observer and on the second the driver was asked a series of distracting questions: math problems and Trivial Pursuit-type questions. On the other two laps, the participant was asked to dial and speak on a handheld phone and then on a hands-free phone. During each call they were also asked questions similar to those on the second lap.

After each lap, we gave the drivers a surprise quiz: They were asked to describe the number of, or the shape, color, or content of four common road signs they had passed on the course.

WHAT WE FOUND

Our evaluations demonstrate that talking or dialing a cell phone does affect driving behavior to varying degrees. Overall, the drivers hewed to the course and maintained consistent speeds lap-to-lap, rarely varying more than one or two miles per hour. Some, however, wandered in the lane or slowed down while using a phone. Others had more trouble recalling the details of the signs or were slower when answering questions during laps in which they were talking on a phone.

Most drivers slowed down to dial phone numbers but then speeded up again. One notable finding was that most drivers felt that dialing a hands-free phone that was plugged into the car's lighter socket required more attention and was more distracting than dialing a handheld, which they could at least bring closer to their line of sight. A hands-free phone with voice-activated dialing would likely be a better option than either of the types we used, but we did not test one.

One of the consistencies from driver to driver was that there was no discernible difference between talking while holding a cell phone and using a hands-free phone. Although using a hands-free phone allows a driver to keep both hands on the steering wheel, which helps maintain better control of the car, the simple act of carrying on a conversation was equally distracting regardless of the phone being used. Another source of distraction occurred when the phone lost the cellular signal and forced the driver to redial, which can be common in some areas.

This correlates with the findings of more in-depth studies and suggests that legislation intended to improve highway safety by eliminating cell-phone distraction needs to target use of all phones while driving, not just handheld units.

How dangerous is the distraction we observed? That's something we can't measure and likely varies depending on the driver and the situation. It's also likely that even moderate distraction can become more serious if the driver suddenly needs to deal with a surprise--such as a child running into the road or a car unexpectedly pulling into his or her lane.

Having a cell phone in the car is convenient for everyday tasks and can be critical in emergencies. But if you need to talk on the phone while in a vehicle, we encourage you to pull off the road and stop. This is not only a courtesy to other drivers; it could keep you out of an accident.



Member of the **Partnership for Safe Driving**

[Help our Cause](#)

[News & Laws](#)

[Objections?](#)

[Safety Tips](#)

[In Your State](#)

[Over](#)

Get Involved! Here's How You Can Make a Difference...

Why get involved? Your life depends on it! Why common sense isn't enough -- click

#1: Set an Example and Stay Safe!

#2: Write To Your Politicians!

#3: Tell Cell Phone Companies to Take Action!

#4: Let Others Know

#1: Set an Example and Stay Safe!

If you use a cellular phone in your car, please stay safe and set a good example by pulling over stopping before making or taking a call. Tell your friends and family to do the same for their safety and everyone else's. Awareness is the first step! If your phone allows you to change the greeting that comes up when you first turn it on (and many do), change the greeting to "Morgan Lee" -- a constant reminder that your phone call is not that important!



[Click here to find out how you can get your free bumper sticker.](#)

#2: Write To Your Politicians!

Write to your politicians, and let them know you support cellular phone legislation -- be specific that you want drivers restricted from the use of cellular phones while driving and that you support punishment for those who do not comply. Include pictures of your children, if you have them. Write to those listed below, please write to your state's Governor, State Senator, and Representative even use the same letter as long as the headings are changed. See below for information on how to find the right addresses or visit the Car Talk website. It features a map of the United States -- just click on your state to find out where to write!

If you live in Pennsylvania, please, mention Morgan's name and ask that the legislation be named in her memory.

In **Pennsylvania**, to find your local senator and representative, check the Blue Pages of your phone book, or visit the following websites: [Senate of Pennsylvania Senator Listing](#) and [Pennsylvania Representatives](#)

In **New Jersey**, to find your local senator and representative, check the Blue Pages of your phone book, or visit the following websites: [New Jersey State Legislature](#) and to e-mail the governor at [morganlee@nj.gov](#)

[link E-mail NJ Governor](#)

To find your local senator and representative in other states, check the Blue Pages of your local book. Or, visit the Car Talk website. It features a map of the United States -- just click on your find out where to write!

#3: Tell Cell Phone Companies to Take Action!

Next, we urge everyone to write to their own cellular provider and let them know that you support legislation to restrict cellular phone use while driving. Implore them to build and expand their product development in this area which will help alleviate this risk.

#4: Let Others Know

NEXT, [click here to print this flyer with legislative contacts and a picture of Morgan Lee](#) [here to print this flyer with cellular phone company contacts and a picture of Morgan Lee](#) them in public location and send them to everyone you know, or direct them to this website so that they can get involved too! It will take a great deal of support to push through this kind of legislation.

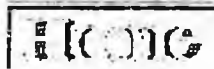


[Click here to find out how you can get your free bumper sticker.](#)

Search for more information about cell phone safety here (you can also click on the search terms to search for your local government representatives using the search engine)



[Return to HOME](#)



Web page design by
215-799-0903
215.799.0903 Telford, PA

©2003 MorganLee.Org All rights reserved. Unauthorized use of images or email contacts is prohibited.
For website related inquiries, broken links, etc. only, please e-mail the website administrator.

Thank you for visiting our site. You are one of **154,337** people concerned about safety on our roads.

home > news

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)
- Adjusting a radio or CD player (11.4 percent)
- 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)
- 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.

HB

92

ALASKA STATE LEGISLATURE

REPRESENTATIVE BRUCE WEYHRAUCH



ALASKA
STATE CAPITOL
JUNEAU, ALASKA 99801-1182

(907) 465-2028
FAX (907) 465-2273

STATE AFFAIRS COMMITTEE

March 18, 2003

TO: Legislative Legal

FROM: Ginny Austerman, Committee Aide, House State Affairs

A handwritten signature in cursive script, appearing to read "Ginny".

RE: CSHB 92 Clergy to Report Child Abuse

Attached are amendments agreed upon today at the House State Affairs Committee meeting. Please draft a final bill.

Thank you.

AMENDMENT # 1
To CSHB 92

Section 3. AS 47.17.290

Page 3 Line 2,

change the words "Christian Science practitioner," to "religious healing practitioner,"

AMENDMENT # 2
To CSHB 92

Sec. 2. AS 47.17.021

Page 2 Line 18,

Insert after the word communication "to a member of the clergy"

Insert after the word intended "by the communicating person"

Strike the words "including a sacramental confession made"

Page 2 line 19

Change the word "a" to "the" and insert a comma after the word "member"

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 5, 2003

SUBJECT: Clergy to report child abuse (CSHB 92(); draft version "D")

TO: Representative Bob Lynn

FROM: Terri Lauterbach
Legislative Counsel *Terri Lauterbach*

Enclosed is the blank CS you requested for HB 92.

In accordance with instructions from you and your staff, I have

(1) removed "religious practitioner, or similar functionary" from the definition of "clergy member" in sec. 3;

(2) changed "may" to "shall" in the second line of sec. 4;

(3) added a 10-year "look back" provision in the fourth line of sec. 4;

(4) removed the phrase "Except for AS 47.17.068" which was at the beginning of the last sentence of sec. 4(a) in HB 92; and

(5) added a new subsection (e) to sec. 4, which imposes a class B misdemeanor penalty for failure to make reports about past abuse under sec. 4; this language is the same as currently exists in AS 47.17.068 for failure to report current suspicions of child abuse.

If I may be of further assistance, please advise.

TML:med
03-243.med

Enclosure

23-LS0257AD
Lauterbach
3/5/03

CS FOR HOUSE BILL NO. 92()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES LYNN, Wilson, Holm, Wolf, Kookesh, Stevens, Heinze, Kerttula

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to reports by members of the clergy and custodians of clerical records**
2 **who have reasonable cause to suspect that a child has suffered harm as a result of child**
3 **abuse or neglect."**

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

5 *** Section 1. AS 47.17.020(a) is amended to read:**

6 (a) The following persons who, in the performance of their occupational
7 duties, or with respect to (8) of this subsection, in the performance of their appointed
8 duties, have reasonable cause to suspect that a child has suffered harm as a result of
9 child abuse or neglect shall immediately report the harm to the nearest office of the
10 department:

- 11 (1) practitioners of the healing arts;
- 12 (2) school teachers and school administrative staff members of public
13 and private schools;
- 14 (3) peace officers and officers of the Department of Corrections;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

- (4) administrative officers of institutions;
- (5) child care providers;
- (6) paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in AS 18.66.990;
- (7) paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol;
- (8) members of a child fatality review team established under AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created under AS 47.14.300;

(9) clergy members, except as provided in AS 47.17.021.

* **Sec. 2.** AS 47.17 is amended by adding a new section to read:

Sec. 47.17.021. Reports by clergy members. (a) Notwithstanding AS 47.17.020(a), a clergy member who acquires knowledge of or reasonable cause to suspect child abuse or neglect during a penitential communication is not subject to AS 47.17.020(a). In this subsection, "penitential communication" means a communication intended to be in confidence, including a sacramental confession made to a clergy member who, in the course of the discipline or practice of the clergy member's church, denomination, or organization, is authorized or accustomed to hear those communications and, under the discipline, tenets, customs, or practices of the church, denomination, or organization, has a duty to keep those communications secret.

(b) This section may not be construed to modify or limit a clergy member's duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter under AS 47.17.020(a).

* **Sec. 3.** AS 47.17.290 is amended by adding a new paragraph to read:

(17) "clergy member" means a priest, minister, or rabbi of a church, temple, or recognized religious denomination or religious organization.

* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CLERGY REPORTS OF PAST SUSPECTED SEXUAL ABUSE. (a) On or before

1 January 1, 2004, a clergy member or a custodian of records for the clergy member shall report
2 to the Department of Health and Social Services or to a law enforcement agency if the clergy
3 member or a custodian of records for the clergy member, within the 10 years immediately
4 preceding the effective date of this Act, in a professional capacity or within the scope of
5 employment, other than during a penitential communication, acquired knowledge of or
6 reasonable cause to suspect that a child had been the victim of sexual abuse that the clergy
7 member or a custodian of records for the clergy member did not previously report to the
8 department or to a law enforcement agency. The provisions of AS 47.17 apply to all reports
9 made under this subsection.

10 (b) This section shall apply even if the victim of the known or suspected abuse has
11 reached the age of majority by the time the report is made.

12 (c) The local law enforcement agency shall have the jurisdiction to investigate a
13 report of sexual abuse made under this section, even if the report is made after the victim has
14 reached the age of majority.

15 (d) The definitions in AS 47.17.290 apply to this section.

16 (e) A person who fails to comply with (a) of this section and who knew or should
17 have known that the circumstances gave rise to the need for a report is guilty of a class B
18 misdemeanor.

23-LS0257N
Lauterbach
3/12/03

CS FOR HOUSE BILL NO. 92()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES LYNN, Wilson, Holm, Wolf, Kookesh, Stevens, Heinze, Kerttula

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to reports by members of the clergy who have reasonable cause to
2 suspect that a child has suffered harm as a result of child abuse."

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

4 * Section 1. AS 47.17.020(a) is amended to read:

5 (a) The following persons who, in the performance of their occupational
6 duties, or with respect to (8) of this subsection, in the performance of their appointed
7 duties, have reasonable cause to suspect that a child has suffered harm as a result of
8 child abuse or neglect shall immediately report the harm to the nearest office of the
9 department:

- 10 (1) practitioners of the healing arts;
- 11 (2) school teachers and school administrative staff members of public
12 and private schools;
- 13 (3) peace officers and officers of the Department of Corrections;
- 14 (4) administrative officers of institutions;

- 1 (5) child care providers;
- 2 (6) paid employees of domestic violence and sexual assault programs,
3 and crisis intervention and prevention programs as defined in AS 18.66.990;
- 4 (7) paid employees of an organization that provides counseling or
5 treatment to individuals seeking to control their use of drugs or alcohol;
- 6 (8) members of a child fatality review team established under
7 AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created
8 under AS 47.14.300;
- 9 (9) clergy members, except as provided in AS 47.17.021 and except
10 that, notwithstanding other provisions of this section or this chapter, a clergy
11 member is not required to report a reasonable suspicion of harm to a child if the
12 clergy member believes that the harm comes only from neglect.

13 * Sec. 2. AS 47.17 is amended by adding a new section to read:

14 **Sec. 47.17.021. Reports by clergy members.** (a) Notwithstanding
15 AS 47.17.020(a), a clergy member who acquires knowledge of or reasonable cause to
16 suspect child abuse during a penitential communication is not subject to
17 AS 47.17.020(a). In this subsection, "penitential communication" means a
18 communication intended to be in confidence, including a sacramental confession made
19 to a clergy member who, in the course of the discipline or practice of the clergy
20 member's church, denomination, or organization, is authorized or accustomed to hear
21 those communications and, under the discipline, tenets, customs, or practices of the
22 church, denomination, or organization, has a duty to keep those communications
23 secret.

24 (b) This section may not be construed to modify or limit a clergy member's
25 duty to report known or suspected child abuse when the clergy member is acting in
26 some other capacity that would otherwise make the clergy member a mandated
27 reporter under AS 47.17.020(a).

28 (c) In this section, "child abuse" has the meaning given to "child abuse or
29 neglect" in AS 47.17.290, except that it does not include "neglect," as defined in
30 AS 47.17.290.

31 * Sec. 3. AS 47.17.290 is amended by adding a new paragraph to read:

1 (17) "clergy member" means a bishop, pastor, priest, minister, rabbi,
2 Christian Science practitioner, or person in a similar leadership position of a church,
3 temple, religious denomination, or religious organization.

23-LS0257VH
Lauterbach
1/03

CS FOR HOUSE BILL NO. 92()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES LYNN, Wilson, Holm, Wolf, Kockesh, Stevens, Heinze, Kerttula

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to reports by members of the clergy who have reasonable cause to
2 suspect that a child has suffered harm as a result of child abuse."

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

4 * Section 1. AS 47.17.020(a) is amended to read:

5 (a) The following persons who, in the performance of their occupational
6 duties, or with respect to (8) of this subsection, in the performance of their appointed
7 duties, have reasonable cause to suspect that a child has suffered harm as a result of
8 child abuse or neglect shall immediately report the harm to the nearest office of the
9 department:

- 10 (1) practitioners of the healing arts;
- 11 (2) school teachers and school administrative staff members of public
12 and private schools;
- 13 (3) peace officers and officers of the Department of Corrections;
- 14 (4) administrative officers of institutions;

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

- 1 (5) child care providers;
- 2 (6) paid employees of domestic violence and sexual assault programs,
3 and crisis intervention and prevention programs as defined in AS 18.66.990;
- 4 (7) paid employees of an organization that provides counseling or
5 treatment to individuals seeking to control their use of drugs or alcohol;
- 6 (8) members of a child fatality review team established under
7 AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created
8 under AS 47.14.300;
- 9 (9) clergy members, except as provided in AS 47.17.021 and except
10 that, notwithstanding other provisions of this section or this chapter, a clergy
11 member is not required to report a reasonable suspicion of harm to a child if the
12 clergy member believes that the harm comes only from neglect.

13 * Sec. 2. AS 47.17 is amended by adding a new section to read:

14 Sec. 47.17.021. Reports by clergy members. (a) Notwithstanding
15 AS 47.17.020(a), a clergy member who acquires knowledge of or reasonable cause to
16 suspect child abuse during a penitential communication is not subject to
17 AS 47.17.020(a). In this subsection, "penitential communication" means a
18 communication intended to be in confidence, including a sacramental confession made
19 to a clergy member who, in the course of the discipline or practice of the clergy
20 member's church, denomination, or organization, is authorized or accustomed to hear
21 those communications and, under the discipline, tenets, customs, or practice of the
22 church, denomination, or organization, has a duty to keep those communications
23 secret.

24 (b) This section may not be construed to modify or limit a clergy member's
25 duty to report known or suspected child abuse when the clergy member is acting in
26 some other capacity that would otherwise make the clergy member a mandated
27 reporter under AS 47.17.020(a).

28 (c) In this section, "child abuse" has the meaning given to "child abuse or
29 neglect" in AS 47.17.290, except that it does not include "neglect," as defined in
30 AS 47.17.290.

31 * Sec. 3. AS 47.17.290 is amended by adding a new paragraph to read:

leader, including but not limited to

1
2
3

(17) "clergy member" means a bishop, pastor, priest, minister, or
Christian Science practitioner of a church, temple, or religious denomination or
religious organization.

Alaska State Legislature



Chair
Military and Veterans Affairs Committee

Vice-Chair
Labor and Commerce Committee

Member
Resources Committee
State Affairs Committee
Joint Armed Services Committee

Finance Subcommittees
House Environmental Conservation
House Military & Veterans' Affairs
House Court System

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
Toll Free: (800)-870-4391

Interim:
716 W. 4th Ave., #330
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207
Representative_Bob_Lynn@legis.state.ak.us

February 24, 2003

To: Representative Bruce Weyhrauch, Chairman
State Affairs Committee

Fr: Representative Bob Lynn *BL*

Re: Scheduling of HB 92
"An Act relating to reports by members of the clergy and custodians of clerical records who have reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect."

Please schedule HB 92 to be heard before the State Affairs Committee as soon as your calendar allows it. Thank you.

Alaska State Legislature



Chair
Military and Veterans Affairs Committee

Vice-Chair
Labor and Commerce Committee

Member
Resources Committee
State Affairs Committee
Joint Armed Services Committee

Finance Subcommittees
House Environmental Conservation
House Military & Veterans' Affairs
House Court System

A Communication From
REPRESENTATIVE BOB LYNN
District 31 Anchorage

Session:
Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931
Fax: (907) 465-4316
Toll Free: (800)-870-4391

Interim:
716 W. 4th Ave., #330
Anchorage, AK 99501-2133

Phone: (907) 269-0205
Fax: (907) 269-0207
Representative_Bob_Lynn@legis.state.ak.us

SPONSOR STATEMENT

HB 92

It is essential that children be protected from the abuse of sexual predators. Several classes of persons, such as nurses and teachers, are currently mandated to report actual or suspected child abuse to the appropriate authorities.

HB 92 adds clergy to the list of mandated reporters of child abuse. The bill does recognize and address the unique character of "penitential communication".

In summary, HB 92 adds to the protection of child safety, and enhances the beneficial work and reputation of the faith community.

Alaska State Legislature



Chair

Military and Veterans Affairs Committee

Vice-Chair

Labor and Commerce Committee

Member

Resources Committee

State Affairs Committee

Joint Armed Services Committee

Finance Subcommittees

House Environmental Conservation

House Military & Veterans' Affairs

House Court System

A Communication From

REPRESENTATIVE BOB LYNN

District 31 Anchorage

Session:

Alaska State Capitol
Juneau, AK 99801-1182

Phone: (907) 465-4931

Fax: (907) 465-4316

Toll Free: (800)-870-4391

Interim:

716 W. 4th Ave., #330
Anchorage, AK 99501-2133

Phone: (907) 269-0205

Fax: (907) 269-0207

Representative_Bob_Lynn@legis.state.ak.us

Sectional Analysis for HB 92

- Section 1.** Simply adds clergy members as a 9th category to the existing 8 categories of people currently required to report child abuse or neglect.
- Section 2.** Exempts knowledge obtained through a confession/penitential communication from the law.
- Section 3.** Defines Clergy member in statute
- Section 4.** Transitional provision encouraging clergy and record keepers to report suspicion of child abuse, which took place before the passage of this bill.

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: _____

Bill Version: HB 92

() Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Health & Social Services

Title REPORTS OF HARM BY CLERGY

BRU Family and Youth Services

Component Front Line Social Workers

Sponsor LYNN

Requester HOUSE (STA)

Component No. 2305

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
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 (0)						
-------------------------------	--	--	--	--	--	--

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 (FY2003) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 92 requires that members of the clergy be identified as mandated reporters of suspected child sexual abuse or neglect under certain circumstances. Section 1 amends AS 47.17.020(a) which governs identified mandatory reporters of suspected child abuse or neglect. The amendment adds clergy members to the list of mandated reporters. The Department is in agreement with requiring members of the clergy to be mandated reporters and supports this amendment.

Section 2 amends AS 47.17 by adding a new Section 47.17.021, which allows "penitential communication" to not be subject to the mandatory reporting requirement. The section goes on to define penitential communication as a communication with a clergy member intended to be confidential, as part of the clergy members official duties.

Prepared by: Tom Cherian, Acting Division Director

Phone 465-3191

Division Family & Youth Services

Date/Time 02/20/2003

Approved by: Joel S. Gilbertson, Commissioner

Date 02/27/2003

Agency Department of Health and Social Services