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Measures are designed to prevent distracted driving

Sunday, February 06, 2011

Story last updated at 2/6/2011 - 10:30 am

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By Klas Stolpe | JUNEAU EMPIRE

The number of drivers with one hand on the steering wheel and the other pressing the latest gadget-infested cell phone to their ears has prompted one of Juneau's leaders in the Legislature to push for a ban on cell phone use while driving.

"It only takes nearly being struck by an inattentive driver once to realize it is a problem," Rep. Cathy Muñoz, R-Juneau, said. "I myself have had a near miss just recently and I just don't think people should be driving and talking on the cell phone. Over the interim from last year I had a number of constituents here in Juneau who asked me to reintroduce a bill that would ban cell phone use."

Muñoz' House Bill 22, introduced to the Transportation, Judiciary, and Finance committees on Jan. 18, would prohibit the use of a cellular telephone when driving a motor vehicle. Exemptions would be included for emergencies, and for use of a voice-activated or hands-free mode.

Muñoz sent the bill-hearing request to Eric Feige, R-Chickaloon, chairman of the Transportation Committee Wednesday. Muñoz said she expects to have a hearing date set soon. Typically a bill is not scheduled until the formal hearing request is received.

If passed, Muñoz' bill would make violations a primary offense, that is, police officers could pull a cell-phone talking driver over without needing another reason to do so.

"We have heard so many stories in this community and other communities where people have been either in an accident where a cell phone was related or a near accident," Muñoz said. "I have had a number of stories told to me by people here and I think the bill will make a big difference."

House Bill 35, introduced to the same committee on Jan. 18 by Rep. Mike Doogan, D-Anchorage, would prohibit the use of cellular telephones when driving a motor vehicle on a highway or vehicular way or area. It would not apply to a person using a cellular telephone for emergency purposes such as calling law enforcement, the fire department, or other emergency services.

"This type of bill is going to be a tough bill to get passed in any form," Doogan said. "People are just reluctant to pass legislation that actually affects real people on the ground, and this bill would do that. A bill by Muñoz is likely to have more success, if any bill does, because she's in the majority."

Doogan said truck drivers, and people in similar professions, wanted exceptions but he has also received a lot of e-mail from people tired of having to dodge people on cell phones.

"When that phone rings and somebody picks it up your attention goes someplace else," Doogan said. "And that is a dangerous thing."

Doogan led a similar effort last year that faltered. Members of the House's Republican majority have questioned the need for a ban, and asked where the line would be drawn if a bill passed.

Rep. Mark Neuman, R-Big Lake, stated there were already laws on the books related to distracted driving.

House Majority Leader Alan Austerman, R-Kodiak, said it would be tough to determine what the actual distraction is, and Rep. Lance Pruitt, R-Anchorage, said he does not want law enforcement agencies to end up being the "cell phone cops."

House Rep. Max Gruenberg, D-Anchorage, introduced HB 68 at the same time as Doogan and Muñoz' bills.

"My bill is very similar to representative Muñoz' bill," Gruenberg said. "So I am not going to be pursuing my bill. We are making some technical changes to her bill that will satisfy me and then I am going to co-sponsor it."

Gruenberg likes that Muñoz' bill has a lower number, she is a majority member and would generally get the nod, and is not limited to a primary stop by police officers.

"I like the primary part but it is something we will probably have to fight about," Gruenberg said. "I would rather be on the side of the angels than the side of caution there. I like that it would be a primary offense. I think we will get the votes to keep it in."

Gruenberg has a concern about banning cell phones for all purposes while driving, believing the state would not be ready for that change.

"And I'm not ready for that because I think you can talk safely if you have a holder on your dash or a Blackberry or Blueberry, whatever they call those things," Gruenberg said. "I just don't think the people around here do want to ban all those. I know in the winter time around here you do have to have two hands on the wheel, if you are holding the cell phone and juggling that, and I am as guilty as anybody ... but if the law changes it will make me drive more safely and I hope it will make everybody else save some lives."

House Bill 128, introduced by Rep. Berta Gardner, D-Anchorage, on Jan. 28, would prohibit the use of cellular telephones by minors when driving motor vehicles. The bill was referred to the Transportation and Judiciary committees. If enacted, the bill would make it a secondary offense if violations occur.

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