

**ANCHORAGE, ALASKA  
AO No. 2019-51(S), As Amended**

**AN ORDINANCE OF ANCHORAGE ASSEMBLY TO PROHIBIT USE OF A CELL PHONE OR MOBILE COMMUNICATION DEVICE BY DRIVERS IN ACTIVE SCHOOL ZONES OR ON SCHOOL GROUNDS, EXCEPT FOR HANDS-FREE, VOICE ONLY USE, AND AMENDING ANCHORAGE MUNICIPAL CODE CHAPTERS 9.28, *SERIOUS TRAFFIC OFFENSES*, AND 9.48, *PENALTIES AND PROCEDURE ON ARREST*, ACCORDINGLY.**

1 **WHEREAS**, distracted driving is dangerous and causes thousands of motor vehicle  
2 accidents in the United States each year, many of which often result in injuries and  
3 fatalities; and  
4

5 **WHEREAS**, while Alaska state law prohibits drivers from texting while driving a  
6 motor vehicle, it does not prohibit talking on a hand held cellular phone while driving,  
7 even though this is a known distraction and a cause of motor vehicle accidents; and  
8

9 **WHEREAS**, House Bill 333 was signed into law on August 28, 2018 and amends  
10 the Alaska Uniform Traffic Laws Act, Title 28 of the Alaska Statutes, to authorize a  
11 municipality to “adopt an ordinance prohibiting the use of a cellular telephone by a  
12 person driving a motor vehicle while on school property or in an active school zone”;  
13 and  
14

15 **WHEREAS**, about 100 children nationwide each year are struck by vehicles in  
16 school zones; and  
17

18 **WHEREAS**, there have been numerous reported near-accidents involving drivers  
19 talking on cellular phones while operating vehicles in Anchorage school zones; and  
20

21 **WHEREAS, of the 54 citations issued by the Anchorage Police Department**  
22 **between January 2017 through March 2019 for “Driving a motor vehicle with**  
23 **a screen device operating,” AMC section 9.28.050 (which includes texting**  
24 **while driving), 4 of those citations occurred in a school zone; and**  
25

26 **WHEREAS**, student safety is of the utmost importance, and prohibiting the use of a  
27 hand held cellular telephone while driving in an active school zone or on school  
28 property will eliminate a dangerous driver distraction and increase the safety of all  
29 persons in those areas, especially children; now, therefore:  
30

31 **THE ANCHORAGE ASSEMBLY ORDAINS:**  
32

33 **Section 1.** Anchorage Municipal Code chapter 9.28 is hereby amended to add a  
34 new section to read as follows:  
35

36 **9.28.055 Driving while using a handheld cellular telephone or**

**mobile communication device in school zones.**

- 1  
2  
3 A. It is unlawful for the driver of any vehicle to use a mobile  
4 communication device while driving a vehicle within an active school  
5 zone or upon school grounds~~[property]~~, unless:  
6 1. the vehicle is stopped; or  
7 2. the mobile communication device is being used with a hands-  
8 free device. ~~[This exception does not allow a person to use their~~  
9 ~~hands to touch the mobile communication device while driving~~  
10 ~~to commence or terminate a call or communication while~~  
11 ~~driving.]~~
- 12  
13 B. It is an affirmative defense under this section that the mobile  
14 communication device was used to **dial 911 and** make an emergency  
15 call. ~~[to:]~~  
16 ~~[1. an emergency response service, including a rescue,~~  
17 ~~emergency medical, or hazardous material response~~  
18 ~~service;~~  
19 ~~2. a hospital;~~  
20 ~~3. a fire department;~~  
21 ~~4. a health clinic;~~  
22 ~~5. a medical doctor's office;~~  
23 ~~6. an individual to administer first aid treatment; or]~~  
24 ~~7. a police department.]~~
- 25  
26 C. This section does not apply to an operator of an authorized emergency  
27 vehicle using a mobile communication device while acting in an official  
28 capacity, if the person reasonably believes hands on use of the mobile  
29 communications device is necessary to respond to or address a  
30 health, safety or criminal matter.
- 31  
32 D. Definitions. For purposes of this section, the following definitions  
33 apply:  
34

35 "Active school zone" means a school zone **with signage**, as defined  
36 in section 9.04.010, **between 6:00 a.m. and 9:00 p.m. [~~on days school is~~**  
37 **in session]**~~[during regular school operating hours and at any other time~~  
38 ~~persons are visibly present in the school zone]~~**and where the maximum**  
39 **speed is 25 miles per hour or less on the streets permanently or due to a**  
40 **temporary speed reduction.**

41  
42 "Hands-free device" means speakerphone capability, an attachment,  
43 or another function or other piece of equipment, regardless of whether  
44 permanently installed in or on a mobile communication device or in a motor  
45 vehicle, that allows use of the mobile communication device without use of  
46 either of the operator's hands.

47  
48 "Mobile communication device" means a cellular telephone, smart

1 phone, personal data assistant, wireless tablet, computer or any similar  
2 device used for voice or visual communication.

3 E. Penalties. A person who violations subsection A. is guilty of

- 4 1. a violation and shall be subject to the fine amount in section  
5 9.48.130, unless the circumstances in 2. of this subsection  
6 apply.  
7 2. A class A misdemeanor if the person's driving causes physical  
8 injury or death to another person, and shall be punished as  
9 provided in section 9.48.010D.

10  
11 **Section 2.** Anchorage Municipal Code section 9.48.010 is hereby amended to  
12 read as follows (*the remainder of the section is not affected and not set out*):

13  
14 **9.48.010 - Penalties.**

15 \*\*\*                    \*\*\*                    \*\*\*

16  
17 D. Any person convicted under the following sections shall be punished  
18 by imprisonment for not more than one year, or by a fine of not more  
19 than \$10,000.00, or by both such fine and imprisonment:

- 20 1. Chapter 9.10 (Crashes and Crash Reporting): Sections  
21 9.10.020 and 9.10.080.  
22 2. Chapter 9.28 (Serious Traffic Offenses): Sections 9.28.010,  
23 9.28.011, 9.28.019B.1., 9.28.020, 9.28.022C., [AND] 9.28.050;  
24 and 9.28.055E.2.

25 \*\*\*                    \*\*\*                    \*\*\*

26  
27 (CAC 9.48.010; AO No. 267-76; AO No. 78-72; AO No. 82-126; AO No. 82-  
28 186(S); AIM 33-83; AO No. 83-168; AO No. 84-60; AO No. 89-52; AO No.  
29 99-15, § 2, 2-9-99; AO No. 2003-73, § 17, 4-22-03; AO No. 2004-151, § 2, 1-  
30 1-05; AO No. 2006-89(S), § 3, 6-6-06; AO No. 2009-61, § 7, 7-7-09; AO No.  
31 2011-113(S), § 155, 11-22-11, eff. 12-22-11; AO No. 2012-16, §§ 2, 5, 2-14-  
32 12, retro eff. 12-22-11; AO No. 2014-42, § 24, 6-21-14; AO No. 2015-126, §  
33 4, 1-1-16 ; EO No. 2016-1, § 5, 7-12-16 ; AO No. 2016-83(S), § 7, 7-26-16 )

34  
35 **Section 3.** Anchorage Municipal Code section 9.48.130 is hereby amended to  
36 read as follows (*the remainder of the section is not affected and therefore not set*  
37 *out*):

38  
39 **9.48.130 – Traffic offenses fine schedule.**

40  
41 In accordance with AS 28.05.151, a citation issued for violation of any of the  
42 following sections of this title shall be subject to disposition with payment of  
43 a fine in lieu of a court appearance or as otherwise prescribed. Violations  
44 committed within a highway work zone or a traffic safety corridor shall be  
45 subject to double the fine amount indicated. Pursuant to AS 28.05.151(e), an  
46 offense listed on this schedule may not be disposed of without court  
47 appearance if the offense is in connection with a motor vehicle crash that  
48 results in the death of a person. Notwithstanding any other provision of this

1  
2  
3  
4

Code, fines stated as an amount per mile over a designated speed limit established under chapter 9.26 are calculated according to the fine schedule and not subject to the maximum fine amount in this section 9.48.010 A.

Title	Section	Fine amount
* * *	* * *	* * *
Driving with a screen device operating	9.28.050.	500.00
<u>Driving while using a cell phone in a school zone</u>	<u>9.28.055E.1.</u>	<u>500.00</u>
* * *	* * *	* * *

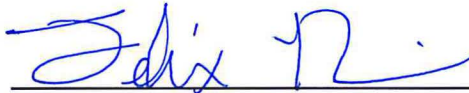
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

(CAC 9.48.060; AO No. 78-72; AO No. 88-12; AO No. 88-167; AO No. 88-180; AO No. 89-134; AO No. 90-24; AO No. 94-68(S), § 38, 8-11-94; AO No. 95-67(S), § 5, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-117, § 3, 6-29-95; AO No. 95-163(S), § 20, 8-8-95; AO No. 99-15, § 1, 2-9-99; AO No. 2000-130, § 2, 9-12-00; AO No. 2001-51, § 1, 2-27-01; AO No. 2001-145(S-1), § 8, 12-11-01; AO No. 2003-157, § 2, 12-17-03; AO No. 2004-63, § 2, 4-13-04; AO No. 2011-113(S), § 160, 11-22-11, eff. 12-22-11; AO No. 2012-16, § 6, 2-14-12, retro eff. 12-22-11; AO No. 2013-41(S-1), § 2, 4-23-13; AO No. 2014-42, § 26, 6-21-14; AO No. 2015-111(S-1), § 1, 1-1-16 ; AO No. 2015-126, § 1, 1-1-16 ; EO No. 2016-1, § 6, 7-12-16 ; AO No. 2016-83(S), § 8, 7-26-16 )

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

**Section 4.** This ordinance shall be effective 30 days after passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 21st day of May, 2019.

  
\_\_\_\_\_  
Chair

ATTEST:  
  
\_\_\_\_\_  
Municipal Clerk