

**CS FOR HOUSE BILL NO. 257(TRA)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - SECOND SESSION

**BY THE HOUSE TRANSPORTATION COMMITTEE**

**Offered: 3/19/10**

**Referred: Judiciary, Finance**

**Sponsor(s): REPRESENTATIVES DOOGAN AND BUCH, Peggy Wilson, Muñoz**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to prohibiting the use of cellular telephones when driving a motor**  
2 **vehicle."**

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

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

5 **Sec. 28.35.165. Prohibited use of cellular telephone.** (a) A person may not  
6 use a cellular telephone when driving a motor vehicle on a highway or vehicular way  
7 or area.

8 (b) This section does not apply to a person using a cellular telephone

9 (1) for emergency purposes, including an emergency call to a law  
10 enforcement agency, fire department, or other emergency services agency or entity; or

11 (2) by hands-free mode.

12 (c) Notwithstanding another provision of law, a peace officer may not stop or  
13 detain a motor vehicle to determine compliance with (a) of this section, or issue a  
14 citation for a violation of (a) of this section, unless the peace officer has probable

1 cause to stop or detain the motor vehicle other than for a violation of (a) of this  
2 section.

3 (d) In this section,

4 (1) "emergency" has the meaning given in AS 42.20.150;

5 (2) "hands-free mode" means use of a cellular telephone for listening  
6 or talking by means of a speaker function, headset, or earpiece without holding the  
7 telephone.

8 (e) A person who violates this section is guilty of an infraction and may be  
9 punished as provided under AS 28.90.010.