

S.B. NO. 3/20

JAN 22 2008

A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 286-102.6, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The provisional license shall entitle the provisional
4 licensee to drive the class of motor vehicles specified in
5 subsection (a) upon the roadways of the State; provided that:

6 (1) The provisional licensee shall have the provisional
7 license in the provisional licensee's immediate
8 possession while driving;

9 (2) All occupants of the motor vehicle shall be
10 restrained by safety belts or a child passenger
11 restraint system as required under sections 291-11.5
12 and 291-11.6;

13 (3) The provisional licensee shall not transport more
14 than one person under the age of eighteen, unless the
15 person is, with respect to the provisional licensee:

16 (A) A household member; or

17 (B) A household member's foster or hanai child,
18 without being accompanied and supervised by a

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1 licensed driver who is the provisional licensee's
2 parent or guardian; [and]
3 (4) Except as provided in subsection (c), whenever the
4 provisional licensee is driving between the hours of
5 11:00 p.m. and 5:00 a.m., a licensed driver who is
6 the provisional licensee's parent or guardian and is
7 licensed to operate the same category of motor
8 vehicle as the licensee, shall be in the motor
9 vehicle and shall occupy the passenger seat beside
10 the licensee~~[]~~; and

11 (5) The provisional licensee who is under the age of
12 eighteen shall not operate a motor vehicle while
13 using a wireless telephone, even if equipped with a
14 hands-free device, or any other electronic
15 communications device such as, but not limited to,
16 text messengers, Palms, Treos, or Blackberries."

17 SECTION 2. Section 286-110, Hawaii Revised Statutes, is
18 amended:

19 "**§286-110 Instruction permits.** (a) Any person aged
20 fifteen years and six months or more who, except for the
21 person's lack of instruction in operating a motor vehicle, would
22 be qualified to obtain a driver's license issued under this part

1 may apply for a temporary instruction permit at the office of
2 the examiner of drivers in the county in which the applicant
3 resides; provided that the applicant complies with section 286-
4 102.5.

5 (b) The examiner of drivers shall examine every applicant
6 for an instruction permit. The examination shall include tests
7 of the applicant's:

8 (1) Eyesight and other physical or mental capabilities to
9 determine if the applicant is capable of operating a motor
10 vehicle;

11 (2) Understanding of highway signs regulating, warning,
12 and directing traffic; and

13 (3) Knowledge of the traffic laws, ordinances, or
14 regulations of the State and the county where the applicant
15 resides or intends to operate a motor vehicle.

16 (c) If the examiner of drivers is satisfied that the
17 applicant is qualified to receive an instruction permit, the
18 examiner of drivers shall issue the permit entitling the
19 applicant, while having the permit in the applicant's immediate
20 possession, to drive a motor vehicle upon the highways for a
21 period of one year; provided that an applicant who is registered
22 in a driver training course shall be issued a temporary

1 instruction permit for the duration of the course and the
2 termination date of the course shall be entered on the permit.
3 A person who is not licensed to operate the category of motor
4 vehicles to which the driving training course applies shall not
5 operate a motor vehicle in connection with the driving training
6 course without a valid temporary instruction permit.

7 (d) Except when operating a motor scooter or motorcycle,
8 the holder of an instruction permit shall be accompanied by a
9 person who is twenty-one years of age or older and licensed to
10 operate the category of motor vehicles in which the motor
11 vehicle that is being operated belongs. The licensed person
12 shall occupy a passenger seat beside the permit holder while the
13 motor vehicle is being operated; provided that if the holder of
14 the instruction permit is under the age of eighteen years and is
15 driving between the hours of 11:00 p.m. and 5:00 a.m.:

16 (1) A licensed driver who is the permit holder's parent
17 or guardian shall occupy a passenger seat beside the
18 driver while the motor vehicle is operated, unless
19 the permit holder is an emancipated minor;

20 (2) The licensed driver shall be licensed to operate the
21 same category of motor vehicles as the motor vehicle

1 being operated by the holder of the instruction
2 permit; and

3 (3) All occupants of the motor vehicle shall be
4 restrained by a seat belt assembly or a child
5 passenger safety restraint system as required under
6 sections 291-11.5 and 291-11.6, notwithstanding any
7 other law to the contrary.

8 (e) No holder of a temporary instruction permit aged
9 fifteen years and six months but under eighteen years shall
10 operate a motor vehicle while using a wireless telephone, even
11 if equipped with a hands-free device, or any other electronic
12 communication device such as but not limited to text messengers,
13 Palms, Treos, or Blackberries.

14 [~~(e)~~] (f) No holder of a temporary instruction permit
15 shall operate a motorcycle or a motor scooter during hours of
16 darkness or carry any passengers.

17 [~~(f)~~] (g) No holder of a category 1 or 2 temporary
18 instruction permit shall have the permit renewed, nor shall the
19 holder be issued another temporary instruction permit for the
20 same purpose, unless the holder has taken the examination for a
21 category 1 or 2 license at least once prior to the expiration of
22 the temporary instruction permit. If the holder of a temporary

1 instruction permit fails to meet the requirements of this
2 section, the holder shall not be permitted to apply for another
3 category 1 or 2 temporary instruction permit for a period of
4 three months. Nothing in this subsection shall affect the right
5 and privilege of any holder of a category 1 or 2 temporary
6 instruction permit to obtain a temporary instruction permit or
7 driver's license for the operation of any other type of motor
8 vehicle.

9 ~~(g)~~ (h) The examiner of drivers may accept an
10 application for renewal of an instruction permit no more than
11 thirty days prior to or ninety days after the expiration date of
12 the instruction permit, whereupon the applicant for renewal of
13 an instruction permit shall be exempt from subsection (b) (2) and
14 (3). If an application for renewal of an instruction permit is
15 not made within ninety days after the expiration date of the
16 permit, the applicant shall be treated as applying for a new
17 instruction permit and examined in accordance with subsection
18 (b).

19 ~~(h)~~ (i) Notwithstanding any other law to the contrary,
20 the examiner of drivers may issue an instruction permit to an
21 applicant with a disability who has completed a medical review
22 with this State, and as a condition to licensure is required to

1 pass a road test, but has failed the road test on the
2 applicant's first attempt. The instruction permit issued under
3 this subsection may be renewed no more than thirty days prior to
4 or ninety days after the expiration date of the instruction
5 permit upon receiving an updated medical report. [~~Subsections~~
6 Subsection (b) (2) and (3) shall not apply to the issuance or
7 renewal of an instruction permit issued under this subsection.

8 For the purposes of this subsection, "applicant with a
9 disability" means an applicant who the examiner of drivers has
10 reasonable cause to believe may have a mental or physical
11 infirmity or disability that would make it unsafe to operate a
12 motor vehicle pursuant to section 286-119 and has been medically
13 evaluated by the medical advisory board established pursuant to
14 section 286-4.1."

15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun, before its effective date.

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 5. This Act shall take effect upon its approval.


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INTRODUCED BY:



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BY REQUEST

Report Title:

Highway; safety; cell phones; motor vehicle

Description:

Prohibits the use of cell phones, including hands-free, or other electronic communications devices by persons aged fifteen years and six months but less than eighteen years while operating a motor vehicle under either a temporary instruction permit or a provisional license.

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY.

PURPOSE: To prohibit the use of all cell phones (including hands-free) or any other electronic communications devices by persons aged fifteen years and six months but less than eighteen years while operating a motor vehicle under either a temporary instruction permit or a provisional license.

MEANS: Amend sections 286-102.6(b) and 286-110, Hawaii Revised Statutes.

JUSTIFICATION: The lack of driving experience and immaturity make younger drivers more hazardous on the road. Cell phones and other electronic communications devices give those younger drivers more distractions that they may not be able to manage as easily as more experienced drivers.

Seventeen states and the District of Columbia have enacted restrictive cell phone driving laws for novice drivers. For example; Maryland restricts drivers under 18 years of age who hold either a learner's permit or an intermediate permit from using a wireless communication device while driving, except for contacting a 911 system. West Virginia prohibits young drivers within their Graduated Driver's Licensing Program (Learner and Intermediate stages) from using a cell phone while driving.

Additionally, effective January 2008, Nebraska shall prohibit teenagers with learner's, provisional and school permits from using a cell phone, sending text messages or using other interactive electronic devices while operating a motor vehicle.

The State of Hawaii crash data indicates that between the years of 2001 through 2005, there were a total of 31,515 motor vehicle crashes resulting in injuries. Of those 31,515 injury producing crashes, a total of 2,134 or 6.8 percent of those crashes involved a driver ages 15 through 17 years old. During the same time period, there were a total of 22,270 property damages only crashes, of which 1,400 or 6.3 percent of those crashes involved a driver ages 15 through 17 years old.

Additionally, the Fatality Analysis Reporting System (FARS) data reveals that between the years of 2002 to 2006, there were a total of 24 drivers, ages 15 through 17 years old who were involved in fatal motor vehicle traffic crashes and died from their injuries.

Impact on the public: With the cell phone and any other electronic communications devices prohibition, younger drivers ages 15½ through 17 years old, will have less distractions while operating a vehicle, thereby increasing their ability to concentrate on improving their driving skills. In turn, the roadway will be safer for all other roadway users (i.e., other drivers, pedestrians, bicyclists, etc.).

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PBS PROGRAM
DESIGNATION: TRN 595.

OTHER AFFECTED
AGENCIES: County Police Departments.

EFFECTIVE DATE: Upon approval.