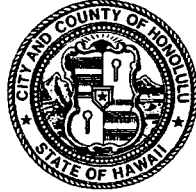


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



BOISSE P. CORREA
CHIEF

PAUL D. PUTZULU
MICHAEL D. TUCKER
DEPUTY CHIEFS

OUR REFERENCE SD-RL

February 4, 2008

The Honorable J. Kalani English, Chair
and Members
Committee on Transportation and
International Affairs
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair English and Members:

Subject: Senate Bill No. 2366, Relating to Statewide Traffic Code

I am Major Susan Dowsett of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 2366, Relating to the Statewide Traffic Code. This bill prohibits texting from an electronic wireless communication device while operating a motor vehicle.

The HPD agrees that texting is not only a distraction while driving but also takes away driving coordination. However, the enforcement of the proposed law will be difficult for police to detect and prove. Police will be unable to distinguish whether the driver is actually texting or dialing a phone number. While this proposal addresses texting only, the same principle of dialing applies. Another problem will be obtaining the proof required to determine whether or not the driver was texting. A search warrant will be needed to examine the device and determine if the driver was texting because police will not be able to seize the device to examine it.

The HPD urges you not to pass Senate Bill No. 2366, as it will be difficult for police to enforce this law.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Dowsett", is written over a horizontal line.

SUSAN DOWSETT, Major
Traffic Division

APPROVED:

A handwritten signature in black ink, appearing to read "Boisse P. Correa", is written over a horizontal line.

for: BOISSE P. CORREA
Chief of Police

late

Testimony on Senate Bill 2366

I am Rick Tsujimura and I represent General Motors. General Motors supports the intent of Senate Bill 2366, but requests certain amendments to accommodate the built in navigation systems in General motors vehicles. The bill needs an exception for navigation systems as well as for messages related to the operation of the vehicle or an accessory component thereof, and for emergency alert messages (which are required by federal law - see WARN Act passed into law Jan 2007). We request the following amendments:

"§291C Text messaging prohibited. (a) No person who, while driving a motor vehicle, shall compose, send, or read a text message on an electronic wireless communications device, commonly known as a cellular phone or similar device.

(b) This section shall not apply to:

(1) Authorized emergency vehicles;

(2) Composing and sending a text message to report illegal activity or to summon medical or other help in an emergency situation.

(3) Sending or receiving emergency alert messages;

(4) Messages related to the operation of a motor vehicle or an accessory component thereof;

(5) Any global positioning or navigation system that is permanently affixed to the motor vehicle.

“
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LATE