

STAND. COM. REP. NO. 561

Honolulu, Hawaii

Feb 20, 2009

RE: H.B. No. 143

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 143 entitled:

"A BILL FOR AN ACT RELATING TO THE USE OF MOBILE PHONES AND ELECTRONIC DEVICES WHILE DRIVING,"

begs leave to report as follows:

The purpose of this bill is to increase motor vehicle safety by:

- (1) Prohibiting the use of a mobile phone while operating a motor vehicle unless the phone is equipped with and used in a hands-free mode;
- (2) Prohibiting the use of other electronic devices including music players, video games, personal digital assistants, and similar devices requiring the use of a battery and at least one hand to operate while operating a motor vehicle;
- (3) Prohibiting the use of a mobile phone or other electronic device, including those equipped with a hands-free device, while operating a moving school bus or transit vehicle;
- (4) Imposing fines for using a mobile phone while operating a motor vehicle; and



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- (5) Stipulating that enforcement of the prohibition of the use of a mobile phone or other electronic device shall only be accomplished as a secondary action when a driver or operator has been detained for a suspected violation of another traffic infraction.

This bill also provides an affirmative defense for a person using the mobile phone for emergency purposes.

The Department of Transportation testified in support of this bill. Several concerned individuals supported the intent of this measure. Several concerned individuals supported this bill with amendments. The Office of the Public Defender and numerous concerned individuals testified in opposition to this bill. The Hawaii Transportation Association, AT&T, and several concerned individuals provided comments.

The use of a hand-held cellular device, or other electronic devices such as video games, while operating a motor vehicle can be a distraction leading to a motor vehicle collision. Collisions due to the use of these devices could be avoided and personal injury and property damage eliminated if regulations existed to restrict their use while operating a motor vehicle. Although debate continues as to whether use of these devices contributes to accidents, your Committee feels that this bill warrants further discussion.

However, your Committee understands the concerns raised by amateur mobile radio operators, otherwise known as ham operators, that this measure will impact the use of mobile radios in their vehicles. As these individuals often provide a public service during emergencies by serving as a communications link, your Committee notes that it is not the intent of this measure to affect these individuals. Accordingly, your Committee respectfully requests the Committee on Judiciary to determine whether the definition of an "electronic device" legally encompasses ham radios and, if so, to amend the definition so that it specifically targets devices that will serve as a distraction while driving that is consistent with the intent of this measure.

Your Committee has amended this bill by:

- (1) Changing its effective date to July 1, 2020, to encourage further discussion; and

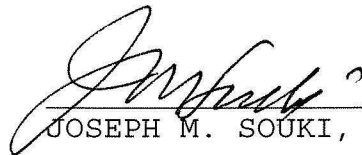


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- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 143, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 143, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



