

JAN 26 2009

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 restrained
10 by safety belts or a child passenger restraint system
11 as required under sections 291-11.5 and 291-11.6;

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

15 (A) A household member; or

16 (B) A household member's foster or hanai child,

17 without being accompanied and supervised by a licensed

1 driver who is the provisional licensee's parent or
2 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 the
6 provisional licensee's parent or guardian and is
7 licensed to operate the same category of motor vehicle
8 as the licensee, shall be in the motor vehicle and
9 shall occupy the passenger seat beside the
10 licensee[~~-~~]; and

11 (5) A provisional licensee who is under the age of
12 eighteen shall not operate a motor vehicle while
13 engaging in various tasks not associated with
14 operating a motor vehicle such as; (1) using a
15 wireless telephone, even if equipped with a hands-free
16 device, or any other electronic devices such as, but
17 not limited to, portable video games, portable DVD
18 players, text messengers, Palms, Treos, or
19 Blackberries; (2) consuming food or beverages; (3)
20 engaging in personal grooming (i.e., applying makeup,
21 brushing teeth or shaving); or (4) attempting to reach
22 for any other object or device."

1 SECTION 2. Section 286-110, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§286-110 Instruction permits.** (a) Any person aged
4 fifteen years and six months or more who, except for the
5 person's lack of instruction in operating a motor vehicle, would
6 be qualified to obtain a driver's license issued under this part
7 may apply for a temporary instruction permit at the office of
8 the examiner of drivers in the county in which the applicant
9 resides; provided that the applicant complies with section 286-
10 102.5.

11 (b) The examiner of drivers shall examine every applicant
12 for an instruction permit. The examination shall include tests
13 of the applicant's:

- 14 (1) Eyesight and other physical or mental capabilities to
15 determine if the applicant is capable of operating a
16 motor vehicle;
- 17 (2) Understanding of highway signs regulating, warning,
18 and directing traffic; and
- 19 (3) Knowledge of the traffic laws, ordinances, or
20 regulations of the State and the county where the
21 applicant resides or intends to operate a motor
22 vehicle.

1 (c) If the examiner of drivers is satisfied that the
2 applicant is qualified to receive an instruction permit, the
3 examiner of drivers shall issue the permit entitling the
4 applicant, while having the permit in the applicant's immediate
5 possession, to drive a motor vehicle upon the highways for a
6 period of one year; provided that an applicant who is registered
7 in a driver training course shall be issued a temporary
8 instruction permit for the duration of the course and the
9 termination date of the course shall be entered on the permit.
10 A person who is not licensed to operate the category of motor
11 vehicles to which the driving training course applies shall not
12 operate a motor vehicle in connection with the driving training
13 course without a valid temporary instruction permit.

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

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

5 (2) The licensed driver shall be licensed to operate the
6 same category of motor vehicles as the motor vehicle
7 being operated by the holder of the instruction
8 permit; and

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

14 (e) A holder of a temporary instruction permit aged
15 fifteen years and six months or older, but under eighteen years
16 of age shall not operate a motor vehicle while engaging in
17 various tasks not associated with operating a motor vehicle such
18 as: (1) using a wireless telephone, even if equipped with a
19 hands-free device, or any other electronic devices such as, but
20 not limited to, portable video games, portable DVD players, text
21 messengers, Palms, Treos, or Blackberries; (2) consuming food or
22 beverages; (3) engaging in personal grooming (i.e., applying

1 makeup, brushing teeth or shaving); or (4) attempting to reach
2 for any other object or device.

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

6 [~~f~~] (g) No holder of a category 1 or 2 temporary
7 instruction permit shall have the permit renewed, nor shall the
8 holder be issued another temporary instruction permit for the
9 same purpose, unless the holder has taken the examination for a
10 category 1 or 2 license at least once prior to the expiration of
11 the temporary instruction permit. If the holder of a temporary
12 instruction permit fails to meet the requirements of this
13 section, the holder shall not be permitted to apply for another
14 category 1 or 2 temporary instruction permit for a period of
15 three months. Nothing in this subsection shall affect the right
16 and privilege of any holder of a category 1 or 2 temporary
17 instruction permit to obtain a temporary instruction permit or
18 driver's license for the operation of any other type of motor
19 vehicle.

20 [~~g~~] (h) The examiner of drivers may accept an
21 application for renewal of an instruction permit no more than
22 thirty days prior to or ninety days after the expiration date of

1 the instruction permit, whereupon the applicant for renewal of
2 an instruction permit shall be exempt from subsection (b) (2) and
3 (3). If an application for renewal of an instruction permit is
4 not made within ninety days after the expiration date of the
5 permit, the applicant shall be treated as applying for a new
6 instruction permit and examined in accordance with subsection
7 (b).

8 [~~h~~] (i) Notwithstanding any other law to the contrary,
9 the examiner of drivers may issue an instruction permit to an
10 applicant with a disability who has completed a medical review
11 with this State, and as a condition to licensure is required to
12 pass a road test, but has failed the road test on the
13 applicant's first attempt. The instruction permit issued under
14 this subsection may be renewed no more than thirty days prior to
15 or ninety days after the expiration date of the instruction
16 permit upon receiving an updated medical report. [~~Subsections~~
17 Subsection (b) (2) and (3) shall not apply to the issuance or
18 renewal of an instruction permit issued under this subsection.

19 For the purposes of this subsection, "applicant with a
20 disability" means an applicant who the examiner of drivers has
21 reasonable cause to believe may have a mental or physical
22 infirmity or disability that would make it unsafe to operate a

1 motor vehicle pursuant to section 286-119 and has been medically
2 evaluated by the medical advisory board established pursuant to
3 section 286-4.1."

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun, before its effective date.

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 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; Distracted Driving; Motor Vehicle

Description:

Prohibits persons aged fifteen years and six months but less than eighteen years of age from engaging in various tasks that distract from the primary task of driving such as, the use of all cell phones (including hands-free devices) and all other electronic devices, consuming food or beverages, engaging in personal grooming (i.e., applying makeup, brushing teeth or shaving), or attempting to reach for any other object or device, while operating a motor vehicle under either a temporary instruction permit or a provisional license.

SB 976

JUSTIFICATION SHEET

DEPARTMENT: Transportation

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

PURPOSE: To prohibit persons aged fifteen years of age and six months or older, but less than eighteen years from engaging in various tasks that may distract from the primary task of driving such as: (1) the use of all cell phones (including hands-free) and all other electronic devices; (2) consuming food or beverages; (3) engaging in personal grooming (i.e., applying makeup, brushing teeth, or shaving); or (4) attempting to reach for any other object or device, 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: Lack of driving experience and immaturity may make younger drivers more prone to accidents while driving. Young drivers engaging in various tasks not associated with operating a motor vehicle such as using cell phones or other electronic devices, consuming food or beverages, engaging in personal grooming (i.e., applying makeup, brushing teeth or shaving), or attempting to reach for any object or device, while driving may be distracted and could be more prone to accidents. Based on data obtained by the National Highway Traffic Safety Administration, distractions while driving due to other tasks were reported in 33 percent of the crashes, and 27 percent of near crashes.

Furthermore younger drivers, under the age of 20, were more likely than drivers of other ages to have been distracted at the

time of their crashes (12 to 14 percent versus 6 to 9 percent). In general, distracted drivers were 50 percent more likely to have been seriously injured or killed in their crashes, as compared to attentive drivers. Also, distracted drivers were more likely than attentive drivers to have been involved in single-vehicle or rear-end crashes.

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 between the ages of 15 through 17 years old. During the same time period, there were a total of 22,270 property damage only crashes, of which 1,400, or 6.3 percent of those crashes, involved a driver between the ages of 15 through 17 years old.

Impact on the public: Younger drivers between the ages of 15½ through 17 years old that are prohibited from undertaking various, non-driving tasks while driving, should be less distracted while operating a vehicle, thereby increasing their ability to concentrate on driving. 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.