

STAND. COM. REP. NO.

2048

Honolulu, Hawaii

FEB - 8 2010

RE: S.B. No. 2755
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Transportation, International and Intergovernmental Affairs, to which was referred S.B. No. 2755 entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

begs leave to report as follows:

The purpose of this measure is to prohibit the use of cellular phones and other mobile electronic devices while operating a motor vehicle, with certain exceptions, and to specifically prohibit activities such as texting, instant messaging, gaming, and emailing, and other activities that take the driver's eyes off the road, mind off the road, and hands off of the wheel.

Your Committee received testimony in support of this measure from the Department of Transportation; Honolulu Prosecuting Attorney; Honolulu Police Department; Hawaii Transportation Association; Signature Cab Holdings, Inc., dba TheCAB; and eleven individuals. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that the task of driving requires the driver's full attention in focusing on the roadway and driving maneuvers. Any distraction that diverts the driver's attention from the primary tasks of maneuvering the vehicle and responding to critical events increases the risk of being involved in a motor vehicle crash.



The National Highway Traffic Safety Administration has found that in 2008, nearly six thousand people died and more than 500,000 people were injured in crashes that involved a distracted or inattentive driver. The number of fatal crashes involving a distracted or inattentive driver represented sixteen per cent of all fatal crashes for that year. Federal researchers have found that more people are using a variety of hand-held devices while driving, such as cellular phones, iPods, video games, Blackberrys, and GPS systems. In particular, the use of cellular phones for talking and texting is more prevalent on the nation's highways.

Legislation pending in Congress would require states to enact a law prohibiting the operator of a moving motor vehicle from writing, sending, or reading a text message or using a hand-held mobile telephone, and would require graduated penalties. Failure of any state to enact such a law would require that the Secretary of Transportation withhold twenty-five per cent of the state's highway construction funds each year until a law is passed. Your Committee finds that prudence dictates that Hawaii enact such a measure as soon as possible to avoid diminution of federal highway funding to the State.

Your Committee has amended this measure by:

- (1) Deleting the provision referring to the violation as not constituting a traffic infraction, on the recommendation of law enforcement;
- (2) Clarifying the exemption pertaining to use of two-way radios on certain trucks operated by businesses; and
- (3) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Transportation, International and Intergovernmental Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2755, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2755, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.



Respectfully submitted on
behalf of the members of the
Committee on Transportation,
International and
Intergovernmental Affairs,

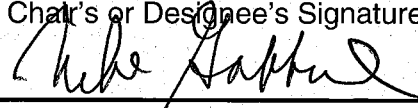


J. KALANI ENGLIN, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Transportation, International and Intergovernmental Affairs
TIA

Bill / Resolution No.:* SB 2755	Committee Referral: TIA, JGO	Date: 2-3-10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
GABBARD, Mike (VC)	✓			
ESPERO, Will	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	—	—	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes