

STAND. COM. REP. NO.

239

Honolulu, Hawaii

Feb 14, 2011

RE: H.B. No. 623
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 623 entitled:

"A BILL FOR AN ACT RELATING TO OPERATION OF MOTOR VEHICLES,"

begs leave to report as follows:

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

- (1) Prohibiting the use of a hand-held wireless communication device for text messaging, electronic mail communication, or otherwise accessing the Internet while operating a motor vehicle upon a public street, road, or highway, with limited exceptions;
- (2) Stipulating that a violation of the prohibited uses of a hand-held wireless communication device be classified as a petty misdemeanor; and
- (3) Providing for increased penalty provisions, including misdemeanor, Class C felony, and Class B felony, for repeat violations and violations that cause serious or substantial bodily injury or death.

The Office of the Public Defender testified in opposition to this measure. General Motors, LLC, provided comments.

HB623 HD1 HSCR TRN HMS 2011-1938



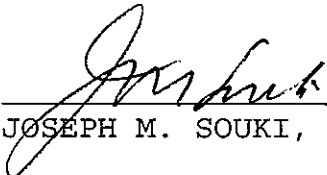
The use of a hand-held wireless communication device while operating a motor vehicle to text message, send or receive electronic mail messages, or access the Internet can be a distraction that may lead to a motor vehicle collision. Some studies have even found that the risk of a collision quadrupled when using a wireless communication device while driving quadrupled and that the risk was comparable to the risk of driving while intoxicated. Your Committee finds that collisions due to the use of a hand-held wireless communication device could be avoided and personal injury and property damage eliminated if regulations exist to restrict the use of such devices while operating a motor vehicle.

Your Committee notes that certain motor vehicles come equipped with wireless vehicle devices such as the On Star System which allow for voice-operated, hands-free communications with an operator for various types of communications. It is not the intent of your Committee to prohibit the use of these types of devices. Accordingly, your Committee has amended this bill by providing an exemption for the use of such voice operated or hands-free technology devices.

Technical, non-substantive amendments have also been made 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. 623, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 623, 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



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 239

Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 623	Committee Referral: TRN, JUD	Date: 2/7/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia	/			
7. SAIKI, Scott K.	/			
8. TAKUMI, Roy M.	/			
9. YAMASHITA, Kyle T.	/			
10. FONTAINE, George R.	/			
11. JOHANSON, Aaron Ling	/			
TOTAL (11)	11			
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 8pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u><i>Richard Ichiyama</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				