



**Office of the Public Defender
State of Hawaii**

**Timothy Ho, Chief Deputy Public Defender
Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Transportation**



February 7, 2011, 9:00 a.m.

RE: H.B. 623: Relating To Operation of Motor Vehicles

Chair Souki and Members of the Committee:

This measure will criminalize the use of a text messaging or internet device while operating a motor vehicle

The Office of the Public Defender opposes H.B. 1435.

Each county has already enacted legislation that prohibits the use of a handheld electronic device while driving. Texting and checking e-mail while driving are acts that are prohibited. If this legislature intends to enact a uniform, statewide law prohibiting the use of handheld electronic devices, we believe that it should look at the various county ordinances and codes which have already been put into law.

None of the counties have criminalized the use of handheld devices, and we believe that it should remain that way. We ask that subsection (c) be amended by removing the words "petty misdemeanor," and replacing it with "violation." We also suggest that subsections (c) (1), (2), and (3) be deleted. We already have laws in place that are sufficient to handle the prosecution of negligent drivers who cause injury or death to other people. For example, if a person causes the death of another person while driving while texting or checking their email, that person could be charged and convicted of negligent homicide in the second degree, a class C felony. If a person causes serious bodily injury to another person while operating a motor vehicle in a negligent manner, that person is guilty of negligent injury in the first degree, a class C felony.

Thank you for the opportunity to provide input on this measure.

**HOUSE COMMITTEE ON
TRANSPORTATION**

February 7, 2011

House Bill 623 Relating to Operation of Motor Vehicles

Chair Souki and members of the House Committee on Transportation, I am Rick Tsujimura, representing General Motors, LLC (General Motors).

General Motors requests an amendment to House Bill 623 Relating to Operation of Motor Vehicles by inserting the words: “(5) When using voice operated or hands-free technology” on page 2, line 2, and renumbering the existing sub-section (5) as subsection (6).

General Motors vehicles come with the On Star system which would be prohibited under the bill as currently worded. On Star owners and users would be severely impacted unless the amendment were to be included.

We appreciate the committee’s favorable consideration. Thank you for the opportunity to present this testimony.