

Honolulu, Hawaii

Feb 16 , 2012

RE: H.B. No. 2355
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 2355 entitled:

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

begs leave to report as follows:

The purpose of this measure is to increase motor vehicle safety by prohibiting text messaging while operating a motor vehicle.

The Honolulu Police Department and AT&T testified in support of this measure. The Department of Transportation testified in opposition to this measure. The Alliance of Automobile Manufacturers and General Motors, LLC, provided comments.

According to the National Highway Traffic Safety Administration, distracted driving is a major contributor to vehicular crashes and near misses, and distracted drivers are 50 percent more likely to be seriously injured or killed in their crashes when compared to attentive drivers. In addition, data has shown that 80 percent of all crashes and 65 percent of near crashes involved some type of driver distraction. More sobering is the fact that in 2008, 16 percent of the total traffic fatalities in the United States accounting for some 5,870 deaths nationwide, involved some type of driver distraction.



While actively text messaging while driving may lead to vehicular crashes, your Committee finds that simply using mobile electronic devices including cellular phones, personal digital assistants, laptop computers, paging devices, and other similar devices while operating a motor vehicle can be a major cause of distraction leading to a motor vehicle collision. Collisions due to the use of these types of devices could be avoided and personal injury and property damage eliminated if regulations existed to restrict their use while operating a motor vehicle.

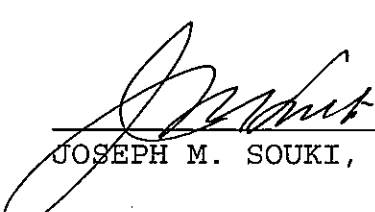
As such, your Committee has amended this bill by deleting its contents and replacing it with language that:

- (1) Prohibits the use of electronic mobile devices by drivers and not just text messaging with a mobile telephone;
- (2) Provides exceptions to this prohibition for the sole purpose of making a "911" emergency communication;
- (3) Provides exemptions from the prohibition for certain drivers; and
- (4) Establishes a system of graduated penalties for mobile electronic device use violations.

Technical, nonsubstantive amendments were also 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. 2355, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2355, 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



