

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 8, 2012

**HB 2355
RELATING TO MOTOR VEHICLES**

HOUSE COMMITTEE ON TRANSPORTATION

The Department of Transportation opposes House Bill No. 2355 as it is written because it addresses only one aspect of the problem of distracted driving. Each county has enacted a mobile electronic device ordinance. To create a more effect state law that would address the concerns of distracted driving as proposed by the National Highway Safety Traffic Administration (NHTSA) it is recommended that the state adopt the counties law on mobile electronic devices.

At the time the County Ordinances were drafted, a coordinated effort was made between all police departments and prosecutors to pass a comprehensive mobile electronic device ordinance that would be all encompassing and address those organizations which had concerns. For the past 2-3 years, these ordinances have withstood the enforcement and prosecution process. Although crash reports do not support the problem of distracted driving, we are confident that such a law is necessary on the state level that will prevent injuries and save lives on Hawaii's roadways. In a statewide 2010 summer seat belt survey, cell phone usage was observed and noted. This survey indicated that of the 43,577 drivers observed, 733 or 1.68 percent of the drivers were observed using cell phones while driving. The 2010 survey showed a sharp decline of usage as compared with the 2009 survey. In 2009, 2.11 percent of the drivers were observed using a cell phone in contrasted to 1.68 percent in 2010. Although there is a lack of information regarding the crash statistics, we are confident that the mobile electronic device law has contributed in preventing more crashes, thereby preventing injuries and saving lives.

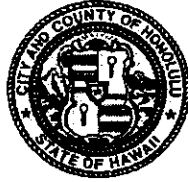
Although the Department of Transportation recognizes HB 2355 attempts to address distracted driving, we strongly urge your support in adopting an amendment to this bill that encompasses the spectrum of mobile electronic devices used while operating a motor vehicle which we believe will prevent injuries and save lives on our roads.

Thank you for the opportunity to provide testimony.



POLICE DEPARTMENT
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OUR REFERENCE KK-LC

February 8, 2012

The Honorable Joseph M. Souki, Chair
and Members
Committee on Transportation
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

Subject: House Bill No. 2355, Relating to Motor Vehicles

I am Kurt Kendro, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the passage of House Bill No. 2355, Relating to Motor Vehicles, and would like to offer suggestions to amend this bill. Currently, the four counties have an ordinance that restricts the use of mobile electronic devices. Section 15-24.23, Mobile electronic devices, Revised Ordinances of Honolulu, prohibits a person from operating a motor vehicle while using a mobile electronic device. The ordinance further defines "use or using" as "holding a mobile electronic device while operating a motor vehicle." This language would make one law for the entire state. As currently written, this bill would be impossible for law enforcement officers to determine whether a driver was texting or making a phone call.

The HPD recommends that the language from Section 15-24.23, Mobile electronic devices, Revised Ordinances of Honolulu, be inserted into this bill so that there is one statewide law that prohibits the use of a mobile electronic device. I have attached a copy of this section from the Honolulu Revised Ordinances to this testimony for your reference.

Thank you for the opportunity to testify.

Attachment

APPROVED:


LOUIS M. KEALOHA
Chief of Police

Sincerely,


KURT KENDRO, Major
Traffic Division

Serving and Protecting With Aloha

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

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TO: Representative Joseph M. Souki
Chair, Committee on Transportation
Via Email: TRNtestimony@Capitol.hawaii.gov

FROM: Gary M. Slovin

DATE: February 7, 2012

RE: **H.B. 2355 – Relating to Motor Vehicles**
Hearing Date: Wednesday, February 8, 2012 at 9:00 a.m.
Conference Room 309

Dear Chair Souki and Members of the Committee on Transportation:

I am Gary Slovin testifying on behalf of the Alliance of Automobile Manufacturers (“Alliance”). H.B. 2355 prohibits text messaging while operating a motor vehicle. The Alliance opposes the bill in its present form but can support the bill with the changes suggested below.

The Alliance is a trade association of twelve car and light truck manufacturers including BMW Group, Chrysler Group LLC, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota, Volkswagen Group of North America, and Volvo.

For H.B. 2355, we suggest adding to the definition of “Mobile Telephone” as follows: “but does not include a device that is physically or electronically integrated into the motor vehicle.

We also suggest adding a section (g) that states “This section does not apply to the use of hands-free or voice operated technology including the pressing of a button to initiate or terminate the operation of any such technology.”

Thank you for the opportunity to submit testimony on this measure.

**HOUSE COMMITTEE ON
TRANSPORTATION**

February 8, 2012

House Bill 2355 Relating to 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 amendments to House Bill 2355 Relating to Motor Vehicles.

We suggest adding the following language to the definition of "Mobile Telephone" on page 2, line 20 as follows: "but does not include a device that is physically or electronically integrated into the motor vehicle." The language as written could ban use of equipment that is integrated into the car, such as our color-connected radio, and Ford's sync technology.

We also suggest adding a new section to be appropriately inserted that states: "This section does not apply to the use of hands-free or voice operated technology including the pressing of a button to initiate or terminate the operation of any such technology." This amendment is necessary in order for owners to activate OnStar who must press the button on the rearview mirror or steering wheel. Or owners of General Motors vehicles who need to push a button on their phone to activate it/end a call if using Bluetooth devices and connectivity to the car technology.

Thank you for the opportunity to present this testimony.