



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

February 26, 2013
2:05 p.m.
State Capitol, Room 308

H.B. 980, H.D. 1
RELATING TO HIGHWAY SAFETY

House Committee on Judiciary

The Department of Transportation **supports** H.B. 980, H.D. 1, Relating to Highway Safety. This bill creates a new law prohibiting the use of mobile electronic devices while operating a motor vehicle within the State of Hawaii. Driving while using electronic mobile devices (cell phones) not only risk harm to the operator of a motor vehicle but also to others in the vehicle and on the road. Electronic mobile devices have become a source of instant communication between each other, but have also become a source of devastating consequences while driving a motor vehicle. Because of this, the National Highway Traffic Safety Association (NHTSA) has placed a high priority on the use of these devices while driving. The annual costs in motor vehicle injuries and damages continue to increase year after year into the billions of dollars. Because of NHTSA's safety concerns, it has authorized \$22,500,000 through the Highway Safety Authorization bill passed by Congress known as Moving Ahead for Progress in the 21st Century (MAP-21) to be divided among states that have a law prohibiting the use of these devices while driving to enforce that law. Unfortunately, Hawaii is ineligible to apply for these funds this year because of the lack of such a law. However, NHTSA has also provided another \$23,100,000 in the federal fiscal year 2014 to the states again that qualify for this grant. The passage of this law will qualify Hawaii to take advantage of this money to help enforce this type of distracted driving and to save the lives and injuries of many.

The Federal Register, Vol. 78, No. 15 that was recently published on January 23, 2013 outlines the requirements of the federal grants administered by the NHTSA. In the area of the distracted driving grant, one of the qualification criteria is that the State statute on distracted driving issues be tested as part of the State driver's license examination. The Department of Transportation therefore recommends the attached amended Section 3 of HB 980 be added to amend section 286-108, Hawaii Revised Statutes to include the addition of HB 980 into the State driver's examination.

This amendment will amend section 286-108, Hawaii Revised Statutes to include distracted driving issues into the State driver's examination and further amends HB 980 as follows:

- Former section 3; amend to section 4,
- Former section 4; amend to section 5, and
- Former section 5; amend to section 6.

The Department of Transportation urges your support in passing House Bill No. 980 as it will keep Hawaii roads safe for all.

Thank you for the opportunity to testify.



SUGGESTED AMENDMENT TO H.B. 980, Relating to Highway Safety

SECTION 3. Section 286-108, Hawaii revised Statutes, is amended by amending subsection (a) to read as follows:

(a) Except as provided in section 286-107.5(a), the examiner of drivers shall examine every applicant for a driver's license, except as otherwise provided in this part. The examination shall include a test of:

- (1) The applicant's eyesight and any further physical examination that the examiner of drivers finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways;
- (2) The applicant's ability to understand highway signs regulating, warning, and directing traffic;
- (3) The applicant's knowledge of the rules of the road based on the traffic laws of the State and the traffic ordinances of the county where the applicant resides or intends to operate a motor vehicle; provided that the examination shall specifically test the applicant's knowledge of the provisions of section 291C-121.5 and 291c- ; and
- (4) The actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

The examinations shall be appropriate to the operation of the category of motor vehicle for which the applicant seeks to be licensed and shall be conducted as required by the director.

The examiner of drivers may waive the actual demonstration of ability to operate a motorcycle or motor scooter for any person who furnishes evidence, to the satisfaction of the examiner of drivers, that the person has completed the motorcycle education course approved by the director in accordance with section 431:10G-104.

At the time of examination, an application for voter registration by mail shall be made available to every applicant for a driver's license.

For the purposes of this section, the term "applicant" does not include any person reactivating a license under section 286-107.5(a).

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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DEPUTY CHIEFS

OUR REFERENCE DI-GR

February 26, 2013

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

Subject: House Bill No. 980, H.D. 1, Relating to Highway Safety

I am Darren Izumo, Captain of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

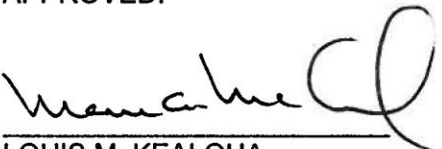
The HPD strongly supports the passage of House Bill No. 980, H.D. 1, Relating to Highway Safety. Passage of this bill would prohibit the use of mobile electronic devices while operating a motor vehicle within the state of Hawaii.

Distracted driving is a serious problem in our community that places people at risk of motor vehicle crashes and injuries. Currently, the four different counties have ordinances that prohibit the use of a mobile electronic device while operating a motor vehicle. While the ordinances are closely similar, there are some differences. By passing this bill, it would codify the law across the state.

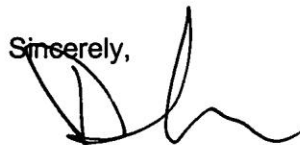
The HPD strongly urges you to support the passage of House Bill No. 980, H.D. 1, Relating to Highway Safety.

Thank you for the opportunity to testify.

APPROVED:


LOUIS M. KEALOHA
Chief of Police

Sincerely,



DARREN IZUMO, Captain
Traffic Division



Dan Youmans
Regional Vice President -
Hawaii
External Affairs

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February 26, 2013

Rep. Karl Rhoads, Chair
House Committee on Judiciary
Hawaii State Legislature

Re: *Testimony Proposing Amendments to HB 980*
Hearing before the Committee on Judiciary
February 26, 2:05 p.m., Conference Room 325

Dear Committee Chair Rhoads:

Thank you for providing AT&T this opportunity to offer comments on House Bill 980. AT&T shares the concerns raised in this legislation about distracted driving. In fact, AT&T's "It Can Wait" campaign was designed specifically to urge our customers not to text while driving. We believe that no text message is worth risking one's life or the lives of others and that text messaging can wait until a person is no longer driving and in a safe position to send or receive text messages.

AT&T would like to suggest three amendments that we believe would improve the implementation of House Bill 980.

First, we believe greater flexibility should be allowed to use electronic devices in times of emergency. Currently, the bill states that making a 911 call is an affirmative defense to the law. Instead, we would suggest : "The use of a mobile device is allowed to report illegal activity or summon medical or other emergency help." Admittedly, a person would usually dial 911 for these purposes, but not always. With this language there would be some flexibility in ensuring a person's safety without violating the law.

Second, AT&T also suggests that the exceptions in the definition of mobile electronic device be amended as follows: "...but does not include any audio equipment or any other equipment integrated into or installed in a motor vehicle for, including but not limited to, for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle, or video entertainment to the passengers in the rear seats of the motor vehicle." This will ensure that new and beneficial technologies are not inadvertently prohibited in the law.

Third, AT&T recommends that this legislation preempt local ordinances so that there is no confusion statewide about the law restricting the use of electronic devices while driving. This would be beneficial to both Hawaii residents as well as tourists since there would only be one law governing distracted driving throughout the state.

In other words, a person driving on one island and then another island would only have to be aware of the state law and not local ordinances that could be different. Here is language that could be included in House Bill 980: *“This act supersedes and preempts the field of all ordinances of any county or municipality with regard to the use of a mobile electronic device by an operator of a motor vehicle.”*

Thank you again for considering AT&T’s testimony on House Bill 980.

Dan Youmans
AT&T

**THE HONORABLE KARL RHOADS, CHAIR
COMMITTEE ON JUDICIARY**

Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai'i

February 26, 2013
2:05 p.m.
State Capital, Room 325

**H.B. 980
RELATING TO HIGHWAY SAFETY**

Chair Karl Rhoads, Vice Chair Sharon E. Har, and members of the House Committee on Judiciary, AAA Hawai'i respectfully submits the following testimony in support of H.B. 980, the intent of which is to improve overall traffic safety by reducing driver distractions related to the use of cellular phones and other mobile electronic devices while operating a motor vehicle.

AAA Hawai'i was founded in 1915 in Honolulu and is a leader in motorist services and a strong advocate for traffic safety. AAA Hawai'i has more than 135,000 members. Service to and the safety of our members, other motorists, and all road users is the founding and continuing purpose of AAA Hawai'i. Research shows that a significant number of motor vehicle crashes are attributed to driver inattention while driving. A growing reason for inattention among drivers is the distraction of using cellular phones or other mobile electronic devices while operating a vehicle.

H.B. 980 will reduce traffic crashes and resulting deaths, injuries, and property damage by prohibiting the use of hand-held cellular phones and other mobile electronic devices while operating a vehicle. It is a common sense measure to help prevent distracted driving, improve traffic safety, and better conform to national safe driving standards.

Modern technology can provide a means for families and friends to stay in touch while traveling and persons to conduct business during daily commutes. However, the technology must be used responsibly and in a way that does not interfere with a driver's ability to operate a motor vehicle. Distracting activities, including the cognitive demands associated with the use of interactive communication, can divert a driver's attention away from driving, impair effective vehicle control, and delay recognition of safety threats.

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1130 N. Nimitz Highway, Suite A170, Honolulu, HI 96817



AAA Hawai'i strongly supports and agrees with the objectives of H.B. 980 and believes that the objectives of H.B. 980 would be furthered by additional language. In addition to the proposed amendment to Section 3 submitted by the State of Hawaii, Department of Transportation (which seeks to mandate testing of distracted driving issues as part of the State driver's license examination), AAA recommends that the following language be added to section (a):

No person younger than 18 years of age shall operate a motor vehicle while using a mobile electronic device even in a hands-free or voice operated mode.

AAA Hawai'i believes that the foregoing proposed revision will clarify the objectives of H.B. 980 and make H.B. 980 more consistent with federal transportation legislation (MAP-21) and the eligibility criteria for federal funds, which require a total prohibition on youth cell phone use while driving (handheld and hands-free). As young drivers learn to drive, they are far more likely than other drivers to crash, use mobile electronic communication devices, and be distracted. Prohibiting drivers under 18 from using all electronic devices while driving is a proven way to improve traffic safety.

This legislation, by prohibiting adult drivers from using hand-held cellular phones and other mobile electronic devices and teens from any use of cellular phones and other mobile electronic devices while operating a vehicle, will improve traffic safety by reducing the opportunities for drivers to become distracted while operating a vehicle. AAA Hawai'i believes that H.B. 980 will help to prevent traffic crashes, injuries, and deaths that occur due to the inattention to driving that can result when drivers become distracted while attempting to use a cellular phone or other mobile electronic device while operating a vehicle, which causes drivers to take their eyes off the road, mind off the task of driving, and hands off the wheel.

Thank you for the opportunity to provide testimony in support of H.B. 980.

Very truly yours,

Liane Sumida

Liane Sumida
Regional Manager

**Testimony of
Gary M. Slovin / Mihoko E. Ito
on behalf of
Alliance of Automobile Manufacturers**

DATE: February 25, 2013

TO: Representative Karl Rhoads
Chair, Committee on Judiciary
Submitted Via JUDtestimony@captiol.hawaii.gov

RE: **H.B. 980 HD1 – Relating to Highway Safety**
Hearing Date: Tuesday, February 26, 2013 at 2:05 p.m.
Conference Room 325

Dear Chair Rhoads and Members of the Committee on Judiciary:

On behalf of the Alliance of Automobile Manufacturers (“Alliance”) we wish to submit comments regarding H.B. 980 H.D 1. 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.

The Alliance supports restricting the handheld use of mobile telephones while driving. However, the Alliance also supports the use of the hands-free technology that is now in widespread use in late model and new motor vehicles. The Alliance’s interpretation of H.B. 980, H.D 1 is that the bill does permit the use of hands-free technology. Alliance can therefore support the bill so long as it continues in its present form.

Thank you for the opportunity to present comments on the bill.

Gary M. Slovin
Mihoko E. Ito
Christine Ogawa Karamatsu
Tiffany N. Yajima

1099 Alakea Street, Suite 1400
Honolulu, HI 96813
(808) 539-0840

HB980

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Hirata	Safe Community of Maui	Support	No

Comments: I strongly support this bill. While employed in the Maui Police Department, I would observe people using a mobile device that severely interferes with their operation of motor vehicles. I have followed these offenders and observed the following: driving on the shoulder of the highway, failing to proceed when the light turned green, failing to slow for a school zone, crossing into oncoming lanes, and obstructing traffic. Although all counties have a similar law, it would be wise to enact a statewide law in order to be consistent.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Property Casualty Insurers
Association of America

Advocacy. Leadership. Results.

To: Honorable Karl Rhoads, Chair
House Committee on Judiciary

From: Mark Sektnan, Vice President

Re: **HB 980 HD1 – Relating to Highway Safety**
PCI Position: Support

Date: Tuesday, February 26, 2013
2:05 p.m., Room 325

Aloha Chair Rhoads and Members of the Committee:

The Property Casualty Insurers Association of America (PCI) respectfully requests your support for HB 980 HD1 which would prohibit the use of mobile electronic devices while driving. With increasing road congestion, drivers spend more time in their cars than ever before. There is a natural tendency to try to make time behind the wheel more effective by adding other activities.

PCI believes that driving safely is a matter of personal responsibility, as such; we have long supported initiatives to educate the public and raise awareness of the hazards of distracted driving in all of its forms. While PCI has preferred education and awareness efforts we do not oppose bans on the use of voice communication or hand held devices.

In recent years there has been a boom in “text messaging” or the use of a hand held device (cell phone or PDA) to send and read written messages. The nature of text messaging requires that the driver take their attention off of the road, and on to the device which they are using to read or write a text message. A recent study of truck drivers by the Virginia Tech Transportation Institute showed that the risk of a crash or near-crash event while writing or reading a text message was 23.2 times higher than non-distracted driving.

Accordingly, PCI supports laws that ban texting, using the internet and the sending or reading of messages on personal communication devices as have been enacted in 39 states and the District of Columbia. In addition, novice drivers are banned from texting in 5 states (Mississippi, Missouri, New Mexico, Oklahoma, and Texas) and school bus drivers are banned from text messaging in 3 states (Mississippi, Oklahoma, and Texas).

For these reasons, we urge the committee to pass this bill.

HB980

Submitted on: 2/25/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Anna Marie Later	Individual	Support	No

Comments:

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HB980

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Egge	Individual	Support	No

Comments: As a licensed amateur radio operator (call-sign KH7MU) it is nice to know how much your committee appreciates the role we play in our State's emergency communications plan. Several of us come together at 9am each morning, on the 40Meter band to confirm our ability to communicate from our fixed and mobile radion station locations, in every county. Even more of us gather at 7pm every evening for the same purpose on the 2Meter band. This meeting, in particular, is where technician class operators practice emergency radio communications protocol and procedures, from their vehicles, etc. We are glad to do this, without fanfare, before the emergency, so we will be ready, willing and able, when an emergency situation does occur. I urge your committee to consider passing HB 980 HD1 as writteh At your service, Dennis Egge (KH7MU)

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Testimony of Ron Hashiro *In Support* of HB 980 HD1,
Relating to Highway Safety

Committee On Judiciary, February 26, 2013, 2:05 pm, Conf Room 325

February 23, 2013

Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair

I wish to testify IN SUPPORT of HB 980 HD1, which would prohibit the use of mobile electronic devices while driving.

I strongly support the provisions of subsection (c) (3), which exempts use of a half-duplex two-way radio by a federally licensed amateur radio operator, or HAM radio operator.

I strongly feel that the subsection enables amateur radio operators throughout the state of Hawaii to be equipped and trained ahead of time to serve the community during times of emergencies. As amateur radio operator AH6RH, I have served as a community radio volunteer with State Civil Defense and Oahu Department of Emergency Management for over 25 years, and mobile radio communications is a vital part of our activation and operations response. A sample of past operations include:

- The tsunami activation from Adak, Alaska of May 7, 1986
- Hurricane Iniki, September 11, 1992
- The Kiholo earthquake of October 15, 2006
- The tsunami activation from Chile, February 27, 2010
- The tsunami activation from Japan, March 10, 2011
- The tsunami activation from Queen Charlotte Island, Canada, October 27, 2012

As an example, the October 27, 2012 tsunami event yielded less than the desired lead time of three hours notice; yet the operators provided the real-time reports of wave action to State Civil Defense because the vehicles had been previously equipped and the operators trained under subsection (c) (3).

Thank you for the opportunity to supply testimony for this bill.

HB980

Submitted on: 2/24/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Ozawa	Individual	Support	No

Comments: I support this measure, particularly Chapter 291C (b) (3) and the exemption for drivers holding a valid amateur radio operator license issued by the Federal Communications Commission. 73, KH6WEB!

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HB980

Submitted on: 2/23/2013

Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Victor Ferrer	Individual	Support	No

Comments: I am in support of the exemption for amateur radio. I also encourage confirm of the exemption for amateur radio operators that it supports the amateur radio operators to be equipped and trained ahead of time to serve in times of emergencies. As a law-abiding citizen and a constituent, I ask that you represent me in these matters. Sincerely, Victor M Ferrer AH7P

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