

HB980 HD2

RELATING TO HIGHWAY SAFETY.

Prohibits the use of mobile electronic devices while operating a motor vehicle in the State and establishes penalties. Effective July 1, 2050.

(HB980 HD2)



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

March 18, 2013
1:15 p.m.
State Capitol, Room 224

**H.B. 980, H.D. 2
RELATING TO HIGHWAY SAFETY**

Senate Committee(s) on Transportation and International Affairs &
Judiciary and Labor

The Department of Transportation supports H.B. 980, H.D. 2, Relating to Highway Safety. This bill creates a new law prohibiting the use of mobile electronic devices (cell phones) while operating a motor vehicle within the State of Hawaii. Driving while using electronic mobile devices not only risk harm to the operator of a motor vehicle but also to others in the vehicle and on the road. The National Highway Traffic Safety Association (NHTSA), the National Transportation Safety Board, the Centers for Disease Control and Prevention, and the National Safety Council all agree that using a cell phone causes distracted driving and is becoming a leading factor in fatal and serious injury crashes. It has also encouraged all States to pass laws which would prohibit the use of cell phones and texting while driving. Because of importance to highway safety, NHTSA has placed a high priority on prohibiting the use of these devices while driving. NHTSA 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 enacted a State law prohibiting the use of these devices while driving. Unfortunately, Hawaii is ineligible to apply for these funds this year because of the lack of a State law prohibiting the use of cell phones or texting while driving. However, it 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 lives and reduce injuries.

The Department of Transportation does not have any objections to the amendments made by the House. The amendments passed clarify the existing language and also makes it more stringent on those drivers under the age of 18 years. Addressing the under 18 years of age drivers is consistent with NHTSA to protect the novice driver while operating a motor vehicle on the road.

The Department of Transportation recommends that the effective date of this bill be amended to July 1, 2013 in order that the appropriate agency be given the time to incorporate the proposed amendment into the drivers licensing test.

The Department of Transportation urges your support in passing House Bill No. 980, House Draft 2 as it will keep Hawaii roads safe for all.

Thank you for the opportunity to testify.





**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 Senate Committee on Judiciary and Labor**

March 18, 2013 1:15p.m.

H.B. No. 980, H.D. 2: RELATING TO HIGHWAY SAFETY

Chair Hee and Members of the Committee:

The Office of the Public Defender opposes H.B. 980, H.D. 2.

The specific objection we have to this measure is the license suspension for second and third offenses. The license suspension will trigger the financial responsibility requirements of SR-22 which if not paid, will in effect result in a three year license suspension. In order to fulfill the financial obligation under SR-22 one has to post \$25,000 cash or bond, or submit a certificate of insurance. Very few people have \$25,000 lying around, and the cost of insurance for an SR-22 case can cost as much as \$8,000 a year.

Many people who have had their licenses suspended for three years because they could not fulfill the financial requirements of SR-22 choose to drive anyway, to work, to school and to drive their families around. Driving without a license is a traffic crime, and one of the more common offenses we see in the district court. We believe the progressively higher fines that are suggested in this measure for repeat offenders are a sufficient deterrent to future violations.

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

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



KIRK W CALDWELL
MAYOR

LOUIS M KEALOHA
CHIEF

DAVE M KAJIHIRO
MARIE A McCAULEY
DEPUTY CHIEFS

OUR REFERENCE KK-LC

March 18, 2013

The Honorable J. Kalani English, Chair
and Members
Committee on Transportation and
International Affairs
The Honorable Clayton Hee, Chair
and Members
Committee on Judiciary and Labor
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs English and Hee and Members:

Subject: House Bill No. 980, H.D. 2, Relating to Highway Safety

I am Kurt Kendro, Major 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. 2, 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. 2, Relating to Highway Safety.

Thank you for the opportunity to testify.

APPROVED:


LOUIS M. KEALOHA
for Chief of Police

Sincerely,


KURT KENDRO, Major
Traffic Division

Serving and Protecting With Aloha

March 18th, 2013 1:15p.m.

Senator Kalani English, Chair
Senator Donovan Del Cruz, Vice Chair
COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
COMMITTEE ON JUDICIARY AND LABOR

Honorable Chair English, and Chair Hee and members of the Transportation and Judiciary Committee,

Subject: **Support for HB 980 HD2**

The **State Highway Safety Council supports HB 980 HD2**, which establishes a state law prohibiting the use of mobile electronic devices while operating a motor vehicle.

Distracted or inattentive driving has been a growing concern both nationally and locally. With the steady increase in popularity in mobile devices it is now more important than ever, to create a consistent law across all counties that can be enforced and promoted. Inattentive driving was a contributing factor in 9% of fatal motor vehicle crashes, 27% of drivers involved in fatally injuring a pedestrian, 20% of drivers involved in fatally injuring a bicyclist 2001-2005.¹ In 2007-2010 data, distracted or inattentive driving has remained an issue with it still a contributing factor of 8% fatal motor vehicle crashes, and now being a factor in 7% fatal motorcycle crashes, and 9% fatal moped crashes. In addition, it has increased to be a contributing factor of 38% of drivers who fatally injured a pedestrian.²

The State Highway Safety Council (SHSC) advises the DOT on matters relating to the programs and activities of the State in the field of highway safety. SHSC members include representatives from public, private, and all four counties.

Thank you for allowing us to testify.

Sincerely,

Kari Benes, Co-Chair
State Highway Safety Council

¹ Injuries in Hawaii, 2001-2006. Hawaii State Department of Health.

² Injuries in Hawaii, 2007-2011. Hawaii State Department of Health.



Property Casualty Insurers
Association of America
Advocacy Leadership Results.

To: The Honorable J. Kalani English, Chair
Senate Transportation and International Affairs Committee

The Honorable Clayton Hee, Chair
Senate Judiciary and Labor Committee

From: Mark Sektnan, Vice President

Re: **HB 980 HD2: Highway Safety: Use of Mobile Electronic Devices**
PCI Position: Support

Date: Monday, March 18, 2013
1:15 p.m., Room 224

Aloha Chair English, Chair Hee and Members of the Committees:

The Property Casualty Insurers Association of America (PCI) respectfully requests your support for HB 980 HD2 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 onto 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.

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

DATE: March 14, 2013

TO: Senator J. Kalani English
Chair, Committee on Transportation and International Affairs

Senator Clayton Hee
Chair, Committee on Judiciary and Labor

Submitted Via TIAtestimony@capitol.hawaii.gov

RE: **H.B. 980 HD2 – Relating to Highway Safety**
Hearing Date: Monday, March 18, 2013 at 1:15 p.m.
Conference Room 224

Dear Chair English, Hee and Members of the Joint Committees:

On behalf of the Alliance of Automobile Manufacturers (“Alliance”) we submit this testimony providing **comments** regarding H.B. 980 H.D 2. 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 2 is that the bill permits the use of hands-free technology, and therefore, Alliance can support the current language in the bill. We also note that additional amendments were made in the H.D.2 to restrict use of hands free technology to those under 18, and to amend the fines for those who violate the law in school zones, and do not have concerns with these amendments.

Thank you for the opportunity to testify on this measure.

Gary M. Slovin
Mihoko E. Ito
Tiffany N. Yajima
Nicole A. Velasco

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

Testimony of Ron Hashiro *In Support* of HB 980 HD2,
Relating to Highway Safety

TIA/JDL, March 18, 2013, 1:15 pm, Conf Room 224

March 15, 2013

Senator J. Kalani English, Chair
Senator Donovan M. Dela Cruz, Vice Chair

I wish to testify IN SUPPORT of HB 980 HD2, which would prohibit the use of mobile electronic devices while driving.

I support the provisions of subsection (d) (3), which exempts use of a half-duplex two-way radio by a federally licensed amateur radio operator, or HAM radio operator. It is present in all four counties in Hawaii. 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 (d) (3).

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

HB980

Friday, March 15, 2013
8:15 AM

Subject	Submitted testimony for HB980 on Mar 18, 2013 13:15PM
From	mailinglist@capitol.hawaii.gov
To	TIATestimony
Cc	ryanozawa@gmail.com
Sent	Friday, March 15, 2013 7:53 AM

HB980

Submitted on: 3/15/2013

Testimony for TIA/JDL on Mar 18, 2013 13:15PM in Conference Room 224

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

Comments: I support this measure to create a uniform policy across counties that have separate laws regarding distracted driving, and especially proposed §291C-(d)(3) and the exemption for licensed amateur radio operators. Mahalo! KH6WEB

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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