
A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Distracted driving is a problem of national
2 concern. The legislature finds that the task of driving
3 requires the driver's full attention in focusing on the roadway
4 and driving maneuvers. Any distraction that diverts the
5 driver's attention from the primary tasks of maneuvering the
6 vehicle and responding to critical events increases the risk of
7 being involved in a motor vehicle crash. A distraction is
8 anything that takes a driver's eyes off the road (visual
9 distraction), mind off the road (cognitive distraction), or
10 hands off the wheel (manual distraction).

11 The use of cellular phones or other mobile electronic
12 devices during the task of driving risks harm to the driver and
13 others in the vehicle or on the road. New research findings by
14 the National Highway Traffic Safety Administration show that
15 nearly 6,000 (sixteen per cent of all fatal crashes) people died
16 in 2008 in crashes involving a distracted or inattentive driver,
17 and more than 500,000 were injured. A survey has shown that on
18 any given day during 2008, more than 800,000 vehicles were

1 driven by someone using a hand-held cellular phone. Federal
2 researchers have observed drivers of all ages using a variety of
3 hand-held devices while driving - cellular phones, iPods, video
4 games, Blackberrys, and Global Positioning System receivers. In
5 particular, the use of cellular phones for talking and texting
6 while driving is more prevalent on our nation's roadways.

7 The National Safety Council reported that the Harvard
8 Center of Risk Analysis concluded that cellular phone use
9 contributes to an estimated six per cent of all crashes. That
10 equates to 636,000 crashes, 330,000 injuries, 12,000 serious
11 injuries, and 2,600 deaths each year. The annual cost of
12 crashes caused by cellular phone use is estimated at
13 \$43,000,000,000. The Wireless Association reports that there
14 are more than 270,000,000 cellular phone subscribers and that
15 eighty-one per cent of the public admitted to talking on a
16 cellular phone while driving.

17 In 2007, the Hawaii department of transportation showed
18 that of the 8,770 collisions that happened during that year,
19 2,871 (thirty-two per cent) were attributed to inattention to
20 driving. The new surface transportation bill, Moving Ahead for
21 Progress in the 21ST Century Act (MAP-21) (Pub. L. 112-141),
22 passed by Congress in 2012, authorizes \$22,500,000 in federal

1 fiscal year 2013 and \$23,100,000 in federal fiscal year 2014 to
2 be distributed to the states that have a distracted driver state
3 law. Unfortunately, Hawaii is not eligible for this funding due
4 to the absence of a distracted driving statute that prohibits the
5 use of mobile electronic devices while driving.

6 The purpose of this Act is to prohibit the use of cellular
7 phones and other mobile electronic devices while operating a
8 vehicle, with certain exceptions, and to specifically prohibit
9 activities such as texting, instant messaging, gaming, and
10 emailing activities that take a driver's eyes off the road, mind
11 off the road, and hands off the wheel.

12 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§291C- Mobile electronic devices. (a) No person shall
16 operate a motor vehicle while using a mobile electronic device.

17 (b) The use of a mobile electronic device for the sole
18 purpose of making a "911" emergency communication shall be an
19 affirmative defense to this law.

20 (c) The following persons shall be exempt from the
21 provisions of subsection (a):

1 (1) Emergency responders using a mobile electronic device
2 while in the performance and scope of their official
3 duties;

4 (2) Drivers using a two-way radio or a Private Land Mobile
5 Radio System as defined by title 47 of the Code of
6 Federal Regulations part 90, while in the performance
7 and scope of their work-related duties and who are
8 operating fleet vehicles or who possess a commercial
9 vehicle license; or

10 (3) Drivers holding a valid amateur radio operator license
11 issued by the Federal Communications Commission and
12 using a half-duplex two-way radio.

13 (d) As used in this section:

14 "Emergency responders" include firefighters, emergency
15 medical technicians, mobile intensive care technicians, civil
16 defense workers, police officers, and federal and state law
17 enforcement officers.

18 "Fleet vehicle" means any vehicle validly registered
19 pursuant to section 286-53.5.

20 "Mobile electronic device" means any handheld or other
21 portable electronic equipment capable of providing wireless data
22 communications between two or more persons or of providing

1 amusement, including but not limited to a cellular phone, text
2 messaging device, paging device, personal digital assistant,
3 laptop computer, video game, or digital photographic device, but
4 does not include any equipment installed in a motor vehicle for
5 the purpose of providing audio, navigation, or emergency
6 assistance to the operator of the motor vehicle or video
7 entertainment to the passengers in the rear seats of the motor
8 vehicle.

9 "Operate" a motor vehicle means the same as is defined in
10 section 291E-1.

11 "Use" or "using" means holding a mobile electronic device
12 while operating a motor vehicle.

13 (e) Every person who violates this section shall be
14 subject to the following penalties:

15 (1) For a first violation, or any violation not preceded
16 within one year by a prior violation of this section,
17 a fine of not less than \$100 and not more than \$200;

18 (2) For a violation that occurs within one year of a prior
19 violation of this section, a fine of not less than
20 \$200 and not more than \$300 and the suspension of the
21 person's driver's license and privilege to operate a
22 vehicle for a period of thirty days; and

H.B. NO. 980

Report Title:

Highway Safety; Use of Mobile Electronic Devices

Description:

Creates a new law prohibiting the use of mobile electronic devices while operating a motor vehicle within the State of Hawaii. Establishes penalties.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

HB 980

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY.

PURPOSE: To create a new law prohibiting the use of any mobile electronic device while operating a motor vehicle within the State of Hawaii.

MEANS: Adding a new section to chapter 291C, Hawaii Revised Statutes.

JUSTIFICATION: Over the years, distracted driving has become a national concern. Statistics show that distracted driving has contributed to an increase in motor vehicle collisions over the years. On September 30, 2009, United States Transportation Secretary Ray LaHood met with and challenged over 250 safety experts, industry representatives, elected officials, and members of the public to help put an end to distracted driving. It was concluded at this summit that the primary responsibility of a driver is to operate a motor vehicle safely. The task of driving requires the driver's full attention and focus on the roadway and driving maneuvers. Any distraction that diverts the driver's attention from the primary tasks of maneuvering the vehicle and responding to critical events increases the risk of being involved in a motor vehicle crash. To put it in another way, a distraction is anything that takes a driver's eyes off the road (visual distraction), mind off the road (cognitive distraction), or hands off the wheel (manual distraction). The use of electronic devices, such as cellular phones, during the task of driving risks harm to the driver and others in the vehicle or on the road.

New research findings by the National Highway Traffic Safety Administration (NHTSA) showed that nearly 6,000 people died in 2008 in crashes (this represents 16 per cent of all fatal crashes) involving a distracted or inattentive driver, and more than 500,000 were injured. On any given day during this year, more than 800,000 vehicles were driven by someone using a hand-held cellular phone. Federal researchers who have observed drivers of all ages found that more and more people are using a variety of hand-held devices while driving - cellular phones, iPods, video games, Blackberrys, and Global Positioning System receivers. In particular, cellular phone use for talking and texting is more prevalent on our nation's roadways. It has become the primary means of communication for many people, especially young adults. Research has shown that the worst offenders are the youngest drivers: men and women less than 20 years of age.

The National Safety Council reported that the Harvard Center of Risk Analysis concluded that cellular phone use contributes to an estimated 6 per cent of all crashes. That equates to 636,000 crashes, 330,000 injuries, 12,000 serious injuries and 2,600 deaths each year. The annual cost of crashes caused by cellular phone use is estimated at \$43,000,000,000. The Wireless Association reports that there are more than 270,000,000 cellular phone subscribers and that 81 per cent of the public admitted to talking on a cellular phone while driving.

In 2012, Congress passed a new 2-year re-authorization highway safety bill H.R. 4348-328, entitled Moving Ahead for Progress in the 21ST Century Act (Pub.L. 112-141) referred as "MAP-". MAP-21 authorized \$265,000,000 for federal fiscal year 2013 and \$272,000,000 for federal fiscal year 2014 to be distributed to states that have a distracted driving state law. Because Hawaii does not have a distracted driving statute, it will not

HHS 980

qualify to receive any of this money for its distracted driving program. Currently, there are 10 states, D.C., Guam, and the Virgin Islands that prohibit all drivers from using handheld cellular phones while driving. There are 39 states, D.C., Guam, and the Virgin Islands that ban text messaging for all drivers.

Impact on the public: The proposed legislation prohibits using any mobile electronic devices while driving, which will be a deterrent and result in safer roadways.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: TRN 595

OTHER AFFECTED
AGENCIES: All county police departments and county prosecuting attorney offices.

EFFECTIVE DATE: Upon approval.



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

February 11, 2013
10:00 a.m.
State Capitol, Room 309

H.B. 980
RELATING TO HIGHWAY SAFETY

House Committee on Transportation

The Department of Transportation **supports** House Bill No. 980, 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

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KIRK W. CALDWELL
MAYOR



LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE KK-LC

February 11, 2013

The Honorable Ryan I. Yamane, Chair
and Members
Committee on Transportation
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Yamane and Members:

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

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Kendro", is written over the word "Sincerely".

KURT KENDRO, Major
Traffic Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoa", is written over the name and title.

LOUIS M. KEALOHA
Chief of Police

**HOUSE COMMITTEE ON
TRANSPORTATION**

February 11, 2013

House Bill 980 Relating to Highway Safety

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

GM requests an amendment to House Bill 980 Relating to Highway Safety on page 5, line 5 which would include the word “infotainment”.

GM also requests an amendment to page 4, line 12, by adding a new section (c)(4) to read as follows:

“(4) Drivers using a mobile electronic device in hands-free or voice operated mode.”

Thank you for the opportunity to present this testimony.

Innovation: Design & Technology

In-Vehicle Infotainment

We live in an age of seamless connectivity. Drivers deserve their vehicle to help keep them connected to the information and entertainment that helps make their lives better, simpler, more in-touch.

At GM, we deliver on that promise of in-vehicle "infotainment." When our drivers need personalized entertainment like customized music or talk radio, we deliver. Advanced technology like lolocation (the ability to find goods and services on the fly powered by on location-based information services) is built into our vehicles. We even offer advanced navigation services through our advanced in-vehicle technology.

INFOTAINMENT ON-THE-GO

Many of our vehicles offer an advanced suite of infotainment services. In Chevrolet vehicles, it is called MyLink¹. Buick and GMC offer the suite under the name IntelliLink¹. In Cadillac vehicles, the system is called CUE – for Cadillac User Experience. Our vision for infotainment is to empower our customers to maximize their enjoyment and customize their in-vehicle entertainment experience – simply and with a robust array of choices.

These systems retain all of the capabilities of today's entertainment units, including AM/FM/XM tuners, CD player with MP3 playback, auxiliary inputs and USB² inputs. Front and center is a 7-inch, high-resolution, full-color touch screen display that makes the new media system more usable, informative and attractive.

Text messaging and stereo audio streaming from smart phones – via a wireless connection that – integrated through Bluetooth³ builds on the usual, hands-free phone capabilities already offered in most of our vehicles. A Gracenote database built into the system makes it easier for drivers to pick tracks stored locally on their smart phones or other media devices to play.

What's more, the flexibility of interaction is paramount. The systems enable drivers and passengers to interact via touch-screen, steering wheel control or voice control with equal ease.

DRIVER-CENTRIC TECHNOLOGY

All of this is for a simple-yet-powerful reason: Connectivity matters. The philosophy driving our in-vehicle connectivity advancements can be just as simply stated: Offer in-car entertainment systems that are intuitive to use, keep drivers safe on the road and maximize their connection to the rest of their lives.

DISCLAIMERS

1. Full functionality requires compatible Bluetooth and Smartphone. Some devices
2. Not compatible with all devices.
3. Visit gm.com/Bluetooth to find out which Bluetooth phones are compatible with the

vehicle.

Related Resources

- See how OnStar keeps you safely connected
- GM Advanced Technology Drives the Future



February 11, 2013

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION
ON HB 980 RELATING TO HIGHWAY SAFETY**

Thank you Chair Yamane and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) with over 400 transportation related members throughout the state of Hawaii.

HTA supports this bill. However, amendments are needed to clarify the intent of the exemption for commercial drivers. We would like to suggest the following amendment.

“S291C- Mobile electronic devices.

c) The following persons shall be exempt from the provisions of subsection (a):

(2) Drivers using a two-way radio or a Private Land Mobile Radio System as defined by title 47 of the Code of Federal Regulations part 90, while in the performance and scope of their work-related duties and who are operating { fleet vehicles } **a motor carrier vehicle as defined in section 286-201** { or who possess a commercial vehicle license } ; or . . . “

We have suggested deleting “fleet vehicles” since very few motor carriers utilize the permanent registration of fleet vehicles, and the term itself is not well defined.

We have suggested deleting “or who possess a commercial vehicle license” because the term “commercial vehicle license” is not defined in the Hawaii Revised Statutes.

The term “motor carrier vehicle” is defined in section 286-201 and does cover all motor carriers.

Thank you.

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

DATE: February 11, 2013

TO: Representative Ryan Yamane
Chair, Committee on Transportation
Submitted Via TRNtestimony@capitol.hawaii.gov

RE: **H.B. 980 – Relating to Highway Safety**
Hearing Date: Monday, February 11, 2013 at 10:00am
Conference Room: 309

Dear Chair Yamane and Members of the Committee on Transportation,

I am Gary Slovin testifying on behalf of the Alliance of Automobile Manufacturers (“Alliance”). 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.

H.B. 980 prohibits text messaging while operating a commercial motor vehicle. The Alliance opposes the bill in its present form but can support the bill with the changes suggested below. As drafted, H.B. 980 is a total ban on the use of cell phones in motor vehicles. This is not consistent with the action taken by the other counties and the rest of the country. We believe the model of the counties and other jurisdictions to restrict the use of cell phones to hands free technology is the reasonable and balanced approach. And it is our understanding that such goal is the actual intention of H. B. 980.

Accordingly, we request that the Committee amend the definition in Section 2 of “mobile electronic device” as follows: by deleting the phrase “any equipment installed in a motor vehicle for the purpose of providing audio, navigation, or emergency assistance to the operator of the motor vehicle” and by replacing that phrase with the following phrase: “devices that are physically or electronically integrated into the motor vehicle.”

In addition, we believe the bill needs to be amended by adding a section (g) to Section 2 that states “This section does not apply to the use of hands-free or voice operated

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

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(808) 539-0840

technology including the pressing of a button to initiate or terminate the operation of any such technology.”

The Alliance is conferring with its members to determine if any other changes are needed to conform with current technology and will report any additional suggestions to the Committee as soon as possible..

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

ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 08, 2013 2:37 PM
To: TRNtestimony
Cc: hi0050@yahoo.com
Subject: Submitted testimony for HB980 on Feb 11, 2013 10:00AM

HB980

Submitted on: 2/8/2013

Testimony for TRN on Feb 11, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Hirata	Individual	Support	No

Comments: Every county currently has an ordinance prohibiting the use of a handheld mobile device. A state law is needed to assure consistency statewide.

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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ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 10, 2013 1:34 PM
To: TRNtestimony
Cc: sthazam@yahoo.com
Subject: Submitted testimony for HB980 on Feb 11, 2013 10:00AM



HB980

Submitted on: 2/10/2013
Testimony for TRN on Feb 11, 2013 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen T Hazam	Individual	Support	No

Comments: I support the exemption for Amateur Radio which provides vital communications in Emergencies. Stephen T Hazam K1HZM

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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