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Testimony in SUPPORT of SB2729SB2,HD1 Relating to Mobile Electronic Devices

JUD Tues 3/25/14 at 4pm, Rm 325

Chairs Rhoads and and Committee Members:

The Hawaii Bicycling League, with 1,335 members, strongly supports this version of the "cellphone bill".

The Hawaii Bicycling League **strongly supports existing law on cellphone use: holding a cellphone while driving a car is a violation.** The law is clear and enforceable by police. Let's keep it that way! No more deaths from distracted driving.

Although cellphone use is as bad as drunk/drugged driving and violators should take the time to answer for their antisocial conduct in court, we agree that a substantial fine of \$250+ may be a sufficient deterrent. **Changing the punishment to a fine payable by mail is the ONLY change that should be made to this excellent law.** Keep it strong, keep us safe! No cellphone use while driving a car!!

Mahalo, Chad Taniguchi, Executive Director [chad@hbl.org](mailto:chad@hbl.org) 255 8271

***Everyone has the right to be safe on Hawaii's roads.***  
**Mamalahoe Kanawai, Kamehameha's Law of the Splintered Paddle 1797, Hawaii state constitution 1978, says in part:**

A e mālama ho'i ke kanaka nui a me kanaka iki;  
E hele ka 'elemakule, ka luahine, a me ke kama a moe i ke ala  
'A'ohe mea nāna e ho'opilikia.

**English translation:**

...respect alike [the rights of] people both great and humble;  
May everyone, from the old men and women to the children  
Be free to go forth and lay in the road (i.e. by the roadside or pathway)  
Without fear of harm.

**SB2729**

Submitted on: 3/24/2014

Testimony for JUD on Mar 25, 2014 16:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tommy Noyes	Kauai Path, Inc.	Support	No

Comments: Kauai Path Inc (a non-profit 501 (c) 3 advocacy organization) supports SB2729, SD2, HD1 because it keeps a strong law in place, helping to protect bicyclists and pedestrians. Respectfully submitted, Tommy Noyes, Secretary, Kauai Path Inc

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**SB2729**

Submitted on: 3/24/2014

Testimony for JUD on Mar 25, 2014 16:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Wynn timer Hee	Individual	Support	No

Comments: House version is GREAT. Please pass SB2729,SD2,HD1-- keeps law as is, except for change to penalty to \$250 first offense, \$400 second offense. Mahalo!

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**SB2729**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Kingdon, MPH, Paramedic	Individual	Support	No

Comments: This bill is an important step towards ensuring that a key measure for public safety is continued. As a paramedic and a bicycle commuter in Hawaii, I can personally attest to this being an issue of critical significance. If anything, there needs to be more frequent and rigorous enforcement of distracted driving and red light laws to change social norms for the better. Thank you for your consideration.

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**SB2729**

Submitted on: 3/24/2014

Testimony for JUD on Mar 25, 2014 16:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Evans	Individual	Support	No

Comments: Using a cellphone while driving is very dangerous. Casual observation and academic studies agree on this fact. Please keep in place the law against cell phone use while driving. Mahalo, Bobby

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**SB2729**

Submitted on: 3/24/2014

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
RC Blake	Individual	Oppose	No

Comments: The roadways need to be safer for non motorized vehicles and pedestrians

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**SB2729**

Submitted on: 3/24/2014

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
JONATHAN LOTT	Individual	Support	No

Comments: I strongly support the cellphone law; I would like to see the enforcement increased and the penalty stiffened! I commute and travel by bicycle daily on Honolulu roads from my Ala Wai Boulevard home, and have "close encounters of the dangerous kind" VERY often. The majority of the time, I can see that the drivers are fiddling with their phone or dashboard navigation unit, or trying to text or dial. Some are blatantly holding the phone to their ear, but I can say that since the original law passed, there was a big improvement in driver attentiveness, and at least many are trying to comply. I believe this is out of genuine fear of the penalty if caught, not out of concern for safety. If the penalty is large enough, fewer drivers will risk getting caught. mahalo!

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Testimony of  
GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
FORD N. FUCHIGAMI  
RANDY GRUNE  
AUDREY HIDANO  
JADINE URASAKI

IN REPLY REFER TO:

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

March 25, 2014  
4:00 p.m.  
State Capitol, Room 325

**S.B. 2729, S.D. 2, H.D.1  
RELATING TO MOBILE ELECTRONIC DEVICES**

House Committee on Judiciary

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The Department of Transportation (DOT) **opposes** S.B. 2729, S.D. 2, H.D. 1, relating to mobile electronic devices. This bill amends the Section 291C-137 by making it a traffic infraction and specifies the penalty for each infraction be \$250 of which shall be deposited into the state highway fund.

This measure will not allow the DOT to be eligible to receive federal grant funds because it does not meet the requirements of 23 United States Code, the distracted driving grant. The grant requirement requires that there be minimum fines for the first violation and increased fines for repeat offenders. The propose amendments to the law, through this bill, does not meet the federal grant requirements of increase penalties for repeat offenders and would not qualify Hawaii from receiving a distracted driving grant.

The DOT asks for your consideration in the following amendments:

- Page 3, lines 17 through 20 and page 4, lines 1 through 8: Delete proposed amendment deleting the increase fines. Recommend amendment to the fines to be as follows:
  - Page 4, Line 3, \$200 to read \$201; and
  - Page 4, Line 8, \$300 to read \$301.
- Page 4, line 8 through 10: Delete the proposed amendment, "a fine of \$250".  
Page 5, line 6: Change effective date to, upon approval.

The DOT seeks your favorable consideration of these proposed amendments to ensure Federal grants are available to combat distracted driving and to make our roadways safer.

Thank you for the opportunity to testify.



**LATE**

**SB2729**

Submitted on: 3/24/2014

Testimony for JUD on Mar 25, 2014 16:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alexis CHapman	Individual	Support	No

Comments:

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**LATE**

**SB2729**

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jay Nakandakare	Individual	Support	No

Comments: I am in support of keeping the Cell phone restriction however, the fines should be higher as in the first offense at \$500 and the second at \$1500. There is no incentive to stop this bad/unsafe behavior.

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JUD Tues 3/25/14 at 4pm, Rm 325

**LATE**

Dear Chair Rhoads and Committee Members,

I strongly support the above noted version of the bill relating to cellphone use while operating a vehicle, even one stopped. Distracted driving is deadly! I am alive today because of a distracted driver. I know that sounds contra-intuitive, but I am a heart transplant recipient. My donor, a 13-year-old girl, was killed last July when a driver using a cellphone plowed into the back of the family van. I think these excerpts from her parents' letter sum up the real cost of cell phone use while driving:

“ I don't know that I've ever felt the way I do tonight. Two days ago one the brightest stars stopped shining in our family. She was a beautiful 13 year old who loved to read, write poetry, and work with children who had special needs. She was an awkward cheerleader, a runner, a cat lover, and a nurturer by nature. She was a peacemaker during times of disorder. She was a person who loved her family. She had a small but personal group of very close friends. She was quiet, but well spoken. Tall, slender, dark eyes and a big heart- that was Monika. She was a listener, not necessarily a talker. She was in the choir and loved music. Her teachers loved her. Her family and friends loved her. She was perfect, yet humble.

In the blink of an eye, she was taken from us. Her beautiful smile diminished and her flame extinguished by a crash when someone reached to plug in a cell phone.....

Today they will harvest her organs to save someone else's family member. Two blind people will see tomorrow because of her. We can only pray that the heart she shares will live on with the same passion, love, and spirit she graced us with...our beautiful Monika taken before we were ready. May her gifts be multiplied and received in the way she would have wanted, with love and full acceptance. Letting go is the hardest thing we will ever do, but in perfect harmony with what she started and what she requested. We know it is exactly as she would have wanted because she told us so.”

Please don't dilute the strength of the current law or make it harder to enforce. No one deserves their life cut short or their families to endure unthinkable pain caused by a distracted driver. It really is a matter life and death. Thank you for your consideration of this testimony.

Sincerely,

L. M. D



POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
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KIRK W. CALDWELL  
MAYOR



LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. McCAULEY  
DEPUTY CHIEFS

OUR REFERENCE KK-LC

March 25, 2014

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

Dear Chair Rhoads and Members:

Subject: Senate Bill No. 2729, S.D. 2, H.D. 1, Relating to Mobile Electronic Devices

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 Senate Bill No. 2729, S.D. 2, H. D. 1, Relating to Mobile Electronic Devices. Passage of this bill would keep the clarity and intent of Hawaii Revised Statutes, Section 291C-137, Mobile Electronic Devices, intact to all for a strong deterrent to drivers from driving while distracted.

Distracted driving is a serious problem in Hawaii, across the United States, and around the world. The National Highway Transportation Safety Administration (NHTSA) reported that in 2012, there were 3,328 people killed, and an estimated 421,000 people were injured in motor vehicle crashes involving distracted driving. In 2013, the HPD issued 11,007 citations for drivers who were holding a mobile electronic device. Passage of this bill will continue to protect all users of Hawaii's roadways from distracted drivers.

The HPD urges you to support Senate Bill No. 2729, S.D. 2, H. D. 1, Relating to Mobile Electronic Devices.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Kendro".

KURT KENDRO, Major  
Traffic Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoa".

LOUIS M. KEALOHA  
Chief of Police