

Honolulu, Hawaii

APR 04 2014RE: H.B. No. 1509
H.D. 1
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1509, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to amend section
291C-137, Hawaii Revised Statutes, relating to mobile electronic
devices to:

- (1) Clarify no person shall operate a motor vehicle while using a mobile electronic device while held in the person's hand for the purpose of making or receiving a non-emergency call, texting, or receiving a text message, or to activate, deactivate, or initiate a function of the mobile device;
- (2) Exempt from the offense drivers who are at a complete stop, whether or not the engine is running, in a safe location by the side of the road out of the way of traffic;
- (3) Clarify the definitions of "operate" and "use" or "using";
- (4) Specify that the penalty for a violation shall be a fine of \$200, or \$400 if in a school zone or construction area;



- (5) Specify that if a person is under the age of eighteen years old at the time of a second offense, the fine shall be \$300, and \$400 for the third and subsequent offenses committed while under the age of eighteen years old;
- (6) Require that collected fines be deposited in the state highway fund; and
- (7) Specify that operating a motor vehicle in the State while using a mobile device is deemed a traffic infraction.

Your Committee received testimony in support of this measure from eleven individuals. Your Committee received testimony in opposition to this measure from the Department of Transportation; Hawaii Bicycling League; Kauai Path, Inc.; and four individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that after the passage of Act 74, Session Laws of Hawaii 2013, which enacted the mobile electronic devices law (codified as section 291C-137, Hawaii Revised Statutes), the Legislature received numerous complaints from the public about the vagueness and ambiguity of the law and the burden of violators having to make a court appearance. Your Committee notes that it was never the intent of the Legislature that violators be forced to appear in court rather than mail in the fine without a court appearance, as allowed under chapter 291D, Hawaii Revised Statutes, relating to adjudication of traffic violations. This measure specifies a violation of the mobile electronic devices law is an infraction and establishes a system of increased fines for repeat violations by drivers younger than eighteen years of age.

Your Committee has amended this measure by clarifying that the engine must be turned off in order for a driver to be exempt from the mobile electronic devices law when the vehicle is at a complete stop and in a safe location by the side of the road out of the way of traffic.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B.



No. 1509, H.D. 1, S.D. 1, as amended herein, and recommends that
it pass Third Reading in the form attached hereto as H.B.
No. 1509, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 1509 HDISDI	Committee Referral: TIA JDL	Date: 4/1/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)		✓		
GABBARD, Mike			✓	
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les	✓			
SOLOMON, Malama	✓			
SLOM, Sam				✓
TOTAL	4	1	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes