

STAND. COM. REP. NO. 2160

Honolulu, Hawaii

RE: FEB 11 2014
S.B. No. 2729
S.D. 1

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

Madam:

Your Committee on Transportation and International Affairs,
to which was referred S.B. No. 2729 entitled:

"A BILL FOR AN ACT RELATING TO MOBILE ELECTRONIC DEVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit the operation of a motor vehicle while using a mobile electronic device held in a person's hand for making or receiving a non-emergency call, texting, or receiving a text message;
- (2) Add exemptions to the prohibition;
- (3) Amend the penalties for violations; and
- (4) Deem a violation to be a traffic infraction.

Your Committee received testimony in support of this measure from Honda of North America, Inc., and thirteen individuals. Your Committee received testimony in opposition to this measure from the Department of Transportation, County of Hawai'i Police Department, City and County of Honolulu Police Department, Office of the Prosecuting Attorney of the County of Kaua'i, Safe Community of Maui, and one individual. Your Committee received comments on this measure from the State Judiciary.



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 onerous burden of requiring violators to make a court appearance. Particularly for neighbor islands, a person is likely to have to travel many miles to appear in court and wait for the case to be called, which consumes a whole day's worth of time. According to testimony of the Judiciary on this measure, "Since the inception of the current law there have been 7,184 mobile device cases statewide of which 4,171 cases have been adjudicated. However, in almost 900 of these cases a bench warrant has been issued for those defendants who did not make a court appearance. In some cases where the warrants have been served, defendants have also been convicted of contempt of court for failure to appear. For these cases, defendants have a criminal conviction record which is recorded in the Hawaii Criminal Justice Center's CJIS database."

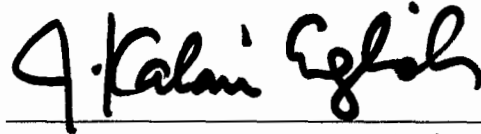
Your Committee finds that it was never the intent of the Legislature that violators be forced to appear in court rather than mailing in the fine without a court appearance as allowed under chapter 291D, Hawaii Revised Statutes, relating to adjudication of traffic violations. Your Committee further finds that the existing law is fraught with traps for those who use mobile electronic devices in situations that are within the realm of safe driving to a reasonable person.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2729, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2729, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committee on Transportation and
International Affairs,

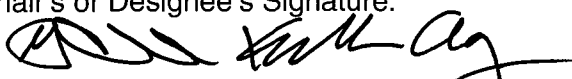


J. KALANI ENGLISH, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Transportation and International Affairs
TIA

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2729	TIA, JDL	02-06-14		
<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
ENGLISH, J. Kalani (C)	✓			
DELA CRUZ, Donovan M. (VC)				✓
ESPERO, Will				✓
GABBARD, Mike	WR		✓	
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.	✓			
SOLOMON, Malama				✓
SLOM, Sam				✓
TOTAL	4		1	4
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes