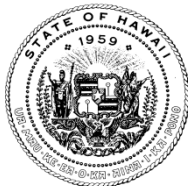


**HB1509**

**HD1 SD1**

**LATE**

**TESTIMONY**



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  
10:00 a.m.  
State Capitol, Room 16

**H.B. 1509, H.D. 1, S.D. 1**  
**RELATING TO HIGHWAY SAFETY**

Senate Committee on Judiciary and Labor

---

The Department of Transportation (DOT) **opposes** House Bill No. 1509, H.D. 1, S.D. 1. relating to highway safety in the use mobile electronic devices. This bill amends the Section 291C-137 by making it a traffic infraction and specifies the penalty for each infraction be \$200 and specifies that the penalties if committed by a person under the age of eighteen years of age that the fines be increased. Requires that the collected fines be deposited into the state highway fund.

This measure will not allow the DOT to be eligible to receive federal grant funds because it will 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 as SD1 does not address this requirement. This proposal also directs all fines to be deposited into the state highway fund.

The DOT asks for your consideration in the following amendments to make the mobile electronic device law compliant with the requirements of 23 United States Code:

- Page 1, lines 11 through 15: Delete. This amendment will make the law unenforceable.
- Page 3, lines 17 and 18: Line 17 indicates existing law. It is not and it is recommended these lines be deleted as section 286-231 does not define texting and only refers back to state and county ordinance. The 2013 session of the legislature under Act 74 supersedes the county ordinance.
- Page 3, lines 20 through 22 and page 4, line 1: Delete the proposed amendment as it makes this law unenforceable.
- Page 4 lines 17 through 22 and page 5, line 1: Recommend that the provisions for the under eighteen of age be deleted and only the increase of fines be amended. This will make the increase fines apply to all, including drivers under the age of eighteen years.
- Page 5, line 3: Recommend, "section 1200.24," be deleted as this is

subject to change when future re-authorization bills are passed.

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.



*The Judiciary, State of Hawai‘i*

**Testimony to the Senate Committee on Judiciary and Labor**

Senator Clayton Hee, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

Tuesday, March 25, 2014, 10:00 a.m.  
State Capitol, Conference Room 016

By

**WRITTEN TESTIMONY ONLY**

Calvin Ching  
Deputy Chief Court Administrator  
First Circuit

---

**Bill No. and Title:** House Bill No. 1509, HD1, SD1, Relating to Highway Safety.

**Purpose:** Specifies that operating a motor vehicle in the State while using a mobile device is deemed a traffic infraction. Specifies that the penalty for such an infraction shall be a fine of \$200 or \$400 if in a school zone or construction area. Specifies 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. Requires collected fines to be deposited in the state highway fund. (SD1)

**Judiciary's Position:**

The Judiciary takes no position on the merits of House Bill No. 1509, HD1, SD1 which makes graduated penalties applicable to minors only. However, it should be noted that any minor holding a Provisional License who is cited and charged with the mobile electronic device infraction must appear in court given the mandatory license suspension provisions of HRS §286-102.6(e).

Thank you for the opportunity to testify on House Bill No. 1509, HD1, SD1.

ADDRESS

3442 Waialae Ave., Suite 1  
Honolulu, HI 96816

PHONE

808-735-5756



FAX

808-735-7989

EMAIL

bicycle@hbl.org

Testimony in OPPOSITION to HB1509HD1, SD1 Relating to Highway Safety

JDL 3/25/14 at 10AM, Rm 016

Chair Hee, Vice Chair Shimabukuro, and Committee Members:

The Hawaii Bicycling League, with 1,335 members, strongly opposes 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.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [ThomasNoyes@hawaiiantel.net](mailto:ThomasNoyes@hawaiiantel.net)  
**Subject:** Submitted testimony for HB1509 on Mar 25, 2014 10:00AM  
**Date:** Monday, March 24, 2014 1:32:54 PM

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**HB1509**

Submitted on: 3/24/2014

Testimony for JDL on Mar 25, 2014 10:00AM in Conference Room 016

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

Comments: Kauai Path Inc (a non-profit 501 (c) 3 advocacy organization) opposes HB1509, HD1, SD1 because it weakens the cellphone law. Respectfully submitted, Tommy Noyes, Secretary, Kauai Path Inc

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [teresa.parsons@hawaii.edu](mailto:teresa.parsons@hawaii.edu)  
**Subject:** Submitted testimony for HB1509 on Mar 25, 2014 10:00AM  
**Date:** Monday, March 24, 2014 11:40:45 AM

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**HB1509**

Submitted on: 3/24/2014

Testimony for JDL on Mar 25, 2014 10:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa Parsons	Individual	Support	No

Comments: I support this legislation

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [autumnrose2010@yahoo.com](mailto:autumnrose2010@yahoo.com)  
**Subject:** Submitted testimony for HB1509 on Mar 25, 2014 10:00AM  
**Date:** Monday, March 24, 2014 12:39:01 PM

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**HB1509**

Submitted on: 3/24/2014

Testimony for JDL on Mar 25, 2014 10:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Autumn Rose	Individual	Oppose	No

Comments: Please do NOT pass HB1509, HD1, SD1 which allows use of cellphone in certain areas for certain things - this will make enforcement impossible. This law will DISMANTLE a good law against multi-tasking/distraction of cell phones. ONE TIME I was stuck in traffic jam on H-1. In frustration I wanted to find out what was going on, where the blockage was. My car was at a total dead stop, so I dared to pull out my cell phone and try to navigate to a traffic page. BAD IDEA. Although I didn't get in accident I scared myself because it IS HARD to keep watching traffic and divide brainpower to navigate web pages. I should have been ticketed -- if a police officer could have gotten through the traffic jam. I should have just listened to traffic report on radio. DO NOT PASS THIS BILL.

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [bobevans326@gmail.com](mailto:bobevans326@gmail.com)  
**Subject:** Submitted testimony for HB1509 on Mar 25, 2014 10:00AM  
**Date:** Monday, March 24, 2014 1:25:13 PM

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**HB1509**

Submitted on: 3/24/2014

Testimony for JDL on Mar 25, 2014 10:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Evans	Individual	Oppose	No

Comments: Cell phone use while driving has been proven to be dangerous. This bill would make enforcement of a no cell phone law impossible. PLEASE, for the sake of every road user, do not pass this bill. Mahalo, Bobby

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**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [david@kingdonconsulting.com](mailto:david@kingdonconsulting.com)  
**Subject:** Submitted testimony for HB1509 on Mar 25, 2014 10:00AM  
**Date:** Monday, March 24, 2014 1:49:18 PM

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**HB1509**

Submitted on: 3/24/2014

Testimony for JDL on Mar 25, 2014 10:00AM in Conference Room 016

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

Comments: As written, this bill weakens a key measure for public safety. 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. Unfortunately, this version of the bill takes a step backwards in this respect. Thank you for your consideration.

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**From:** [Todd Hall](#)  
**To:** [JDLTestimony](#)  
**Subject:** Support of HB1509 HD1 SD1  
**Date:** Monday, March 24, 2014 2:09:56 PM

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Dear Chair Hee,

I am in support of HB1509 HD1 SD1, relating to mobile electronic devices, and urge your committee's favorable recommendation and passage.

The current law remains much too broad and its interpretation by law enforcement has led to questionable citations being issued for violations that do not present distractions to drivers.

Thank You,

Samuel Todd Hall

Sent from my iPhone

**From:** [Liz Hahn](#)  
**To:** [JDLTestimony](#)  
**Subject:** HB1509 HD1 SD1  
**Date:** Monday, March 24, 2014 2:12:53 PM

---

Dear Chair Hee, I am in support of HB1509 HD1 SD1, relating to mobile electronic devices, and urge your committee's favorable recommendation and passage. The current law remains much too broad and its interpretation by law enforcement has led to questionable citations being issued for violations that do not present distractions to drivers. Mahalo and aloha,

Elizabeth Hahn  
Waimea, HI

**From:** [Recovery Law Center](#)  
**To:** [JDLTestimony](#)  
**Subject:** HB1509 HD1 SD1  
**Date:** Monday, March 24, 2014 2:16:03 PM

---

Dear Chair Hee,

I am in support of HB1509 HD1 SD1, relating to mobile electronic devices, and urge your committee's favorable recommendation and passage. The current law remains much too broad and its interpretation by law enforcement has led to questionable citations being issued for violations that do not present distractions to drivers. Thank You,

George Huffman, Paralegal  
GLENN T. HONDA, ESQ.  
1260 Young Street, Suite 228  
Honolulu, Hawaii 96814  
T 808-597-8886  
F 808-597-8881



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**From:** [Ralph Nakamoto](#)  
**To:** [JDLTestimony](#)  
**Subject:** mobile electronic devices  
**Date:** Monday, March 24, 2014 2:16:40 PM

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Dear Chair Hee, I am in support of HB1509 HD1 SD1, relating to mobile electronic devices, and urge your committee's favorable recommendation and passage. The current law remains much too broad and its interpretation by law enforcement has led to questionable citations being issued for violations that do not present distractions to drivers. Thank You,

Ralph Nakamoto

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [lottj001@hawaii.rr.com](mailto:lottj001@hawaii.rr.com)  
**Subject:** Submitted testimony for HB1509 on Mar 25, 2014 10:00AM  
**Date:** Monday, March 24, 2014 2:33:11 PM

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**HB1509**

Submitted on: 3/24/2014

Testimony for JDL on Mar 25, 2014 10:00AM in Conference Room 016

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

Comments: I strongly oppose any measure that weakens the cellphone law. I commute and travel by bicycle daily on Honolulu roads 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. mahalo!

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Committee on Judiciary and Labor  
The Honorable Clayton Hee, Chair  
The Honorable Maile Shimabukuro, Vice Chair

**March 23, 2014**

Subject: Testimony in **SUPPORT OF HB1509 HD1 SD1**

Dear Chair Hee and Members of the Committee on Judiciary and Labor,

Thank you for the opportunity to provide testimony on HB1509 HD1 SD1. I support the passage of HB1509 HD1 SD1, as it relates to the use of mobile electronic devices while operating a motor vehicle. In short, the SD1 improves upon the amendments found in the previous HD1 version as it removed references to HRS 291D-2. It also clarifies the definition of “use” or “using” and “operate.” This clarification will ensure that the intent of the law is kept in place while eliminating ambiguity that has led to numerous tickets being issued for hard-lined interpretations of what the law prohibits, such as simply holding a mobile device in one’s hand.

While you may read testimony from law enforcement agencies that a bill that broadens the acceptable use of a mobile device would make enforcement impossible, such statements are not only untrue, they are in direct contrast to the success that many states have had in enforcing mobile device bans with broader and more sensible language. Out of the 12 states that have a primary ban on the use of mobile devices, we are the **only** state to have language that is overly broad, provides no reasonable defense for holding a mobile device, and has allowed for citations to be issued to motorists who violate the “use” definition in the most inconsequential ways.

Currently, the language in HRS §291C-137 (Act 74) is overly broad and reaches far beyond the legislative intent of stopping the use of mobile devices while driving. The enforcement of this statute has led to a variety of negative consequences affecting the prosecutors, courts, law enforcement and other state resources. Out of the 12 (including Hawaii) states that have a primary ban on hand-held devices, §291C-137 is by far the most overreaching, and is the only state to give drivers nearly zero opportunities to provide exculpatory evidence in their defense. HB1509 HD1 SD1 revises the definitions of “use/using” a cell phone that will bring fairness to the law and restructures fines that will improve deterrence while lifting the burden on our state resources in enforcing the law.

**Current law is too broad**

Section (a) reads:

No person shall operate a motor vehicle while using a mobile electronic device.

Section (e) reads:



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

The above sections allow law enforcement to issue citations to any driver, in the driver's seat, holding a mobile device, while the engine is turned on. This means that whether or not a driver is stopped at a stop light, pulled over safely on the side of the road, or parked in a parking lot, they are in violation of this law if they meet those three conditions. Actively using the mobile device to text message, make phone calls, utilize internet or applications, turn a phone off etc., is not a requirement. The simple act of holding a mobile device, even if it is turned off, is a crime. This is simply not reasonable nor fair.

### **Current law is a strain on state and county resources**

Sections (f) and (g) further demonstrates the impracticality of the law.

- (g) Any violation as provided in subsections (a) and (c) shall not be deemed to be a traffic infraction as defined in section 291D-2.

Due to the tiered of fines (Section f) and classification as a traffic crime, every person cited for violating this law must go to court where they are arraigned and tried in the same manner as a DUI or other serious traffic crime. Before Act 74 was enacted, the City and County of Honolulu passed its own law against the use of mobile electronics. Under Section 15-24.23 ROH, a single fine of \$97 was established and violators were given the option of paying the fine via mail or going to traffic court. Court was not made mandatory. In October 2013, only four months after Act 74 went into effect, the Star Advertiser published an article titled "Phone violations pack traffic court". In the article, more than 4,500 citations were issued, all with a requirement to show up to court. 4,500 individuals must certainly have a big impact on the limited resources the courts have. The following quote from the Honolulu Prosecutors Office sums up one of the core problems with the current law.

*"At this point, the sheer numbers are definitely stretching our resources," Dave Koga, a spokesman for the Honolulu prosecutor's office, said in an email Friday. "Hopefully, as more people become aware of the law, we'll see a reduction in cases." (Star Advertiser, October 23, 2013)*

### **Hawaii is only state without reasonable exemptions to hold or touch mobile devices**

Of the 12 (California, Colorado, Connecticut, Delaware, Illinois, Maryland, Nevada, New Jersey, New York, Oregon, Washington, West Virginia, Hawaii) states that have a primary ban on hand-held devices, Hawaii's Act 74 is the only law that does not allow for reasonable conditions for the use of a mobile device while operating a vehicle, such as pulling off to the side of the road (West Virginia's law) or being at a complete stop while the car is put in park or neutral. It does not allow incidental touching or holding of a cell phone without actively using to call/text/use applications etc., nor dialing numbers or answering calls to use a hands-free or Bluetooth device. All 11 states have a reasonable exemption(s) that allows for some form of incidental or limited

touching/holding of a mobile device. Some states require that the mobile phone be held at or near the proximity of the driver's ear to be considered a violation.

Hawaii's Act 74 provides nearly zero opportunity for individuals to defend incidental and/or momentary holding or touching a mobile device, a part from calling for emergency services. This presumption that one is using a mobile device by holding that device is unfair, if it does not allow for drivers to prove otherwise. One of the above mentioned states, New York, has specific language in its statute to provide defendants an opportunity to provide exculpatory evidence in defense of incidentally holding/touching a cell phone or mobile device. §1225-c of the New York Vehicle and Traffic Law states;

"1. For purposes of this section, the following terms shall mean: (a) "Mobile telephone" shall mean the device used by subscribers and other users of wireless telephone service to access such service. (b) "Wireless telephone service" shall mean two-way real time voice telecommunications service that is interconnected to a public switched telephone network and is provided by a commercial mobile radio service, as such term is defined by 47 C.F.R. §167; 20.3. (c) "Using" shall mean holding a mobile telephone to, or in the immediate proximity of, the user's ear. (d) "Hand-held mobile telephone" shall mean a mobile telephone with which a user engages in a call using at least one hand. (e) "Hands-free mobile telephone" shall mean a mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to activate, deactivate or initiate a function of such telephone. (f) "Engage in a call" shall mean talking into or listening on a hand-held mobile telephone, but shall not include holding a mobile telephone to activate, deactivate or initiate a function of such telephone. (g) "Immediate proximity" shall mean that distance as permits the operator of a mobile telephone to hear telecommunications transmitted over such mobile telephone, but shall not require physical contact with such operator's ear. 2. (a) Except as otherwise provided in this section, no person shall operate a motor vehicle upon a public highway while using a mobile telephone to engage in a call while such vehicle is in motion. (b) An operator of a motor vehicle who holds a mobile telephone to, or in the immediate proximity of his or her ear while such vehicle is in motion is presumed to be engaging in a call within the meaning of this section. **The presumption established by this subdivision is**

*rebuttable by evidence tending to show that the operator was not engaged in a call.*

### **Exemptions do not reduce enforcement**

Allowing some exemptions to touch or hold cell phone does not negatively impact enforcement. Despite California's law that allows drivers to dial a number and therefore touch and hold their cell phone, at least momentarily, law enforcement issued more than 57,000 citations during a month-long awareness campaign in April of 2013. The state of New Jersey allows drivers to touch/use their phones to activate, deactivate, or initiate a function on their phone. This exemption to touching/holding a cell phone has not deterred New Jersey law enforcement from issuing tickets. In the first 23 months of the laws effect, 224,725 citations were issued.

### **Conclusion and Proposed Amendment**

I respectfully request that the committee pass the bill as is with the amendments agreed upon in the Committee on Transportation and International Affairs. Some which include:

1. It narrows the scope in which a citation can be issued for "use of a mobile device," re-defining the word "use or using."
2. It removes the tiered fine structure and reclassifies the violation as a traffic infraction.
3. It increases the fine to deter violating the law.
4. Adds definition of "texting."

I strongly encourage the committee to keep the following amendment based out of current New Jersey law, NJ Rev Stat § 39:4-97.3 (2013), for consideration that will specify when a mobile device can be touched and for what purpose (bold and underlined).

1. Section (e) As used in this section:  
"Operate" a motor vehicle means the same as is defined in section 291E-1.  
"Use" or "using" means holding a mobile electronic device while operating a motor vehicle; **provided, however this definition shall not preclude the use of either hand to activate, deactivate, or initiate a function of the mobile device.**

Thank you for the opportunity to submit testimony on HB1509 HD1 SD1.

Michael Greenough

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:** [dianneo@hawaii.rr.com](mailto:dianneo@hawaii.rr.com)  
**Subject:** \*Submitted testimony for HB2052 on Mar 25, 2014 10:00AM\*  
**Date:** Monday, March 24, 2014 2:48:26 PM

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**HB2052**

Submitted on: 3/24/2014

Testimony for JDL on Mar 25, 2014 10:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dianne Okumura	Individual	Support	No

Comments:

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**From:** [Dennis Takatsuki](#)  
**To:** [JDLTestimony](#)  
**Subject:** HB1509HD1SD1  
**Date:** Monday, March 24, 2014 2:58:20 PM

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Chair Hee,

I am in support of HB1509HD1SD1, relating to mobile electronic devices, and urge your committee's favorable recommendation and passage.

The current law remains much too broad and its interpretation by law enforcement has led to questionable citations being issued for violations that do not present distractions to drivers.

Thank you.

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**Cc:** [bengtsonb001@hawaii.rr.com](mailto:bengtsonb001@hawaii.rr.com)  
**Subject:** Submitted testimony for HB1509 on Mar 25, 2014 10:00AM  
**Date:** Monday, March 24, 2014 3:25:12 PM

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**HB1509**

Submitted on: 3/24/2014

Testimony for JDL on Mar 25, 2014 10:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Robert Bengtson	Individual	Support	No

Comments: Dear Chair Rhoads and Committee Members, I strongly support HB1509HD1SD1. I support the bill's requirement for cell phone use violators to pay a substantial fine. Keep the law strong and deter bad driving behavior that endangers other road users. Mahalo, Robert Bengtson

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Testimony in OPPOSITION to HB1509HD1, SD1 Relating to Highway Safety

JDL 3/25/14 at 10AM, Rm 016

Chair Hee, Vice Chair Shimabukuro, and Committee Members,

I strongly support the current law banning cellphone use or even holding a cellphone 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

**From:** [Don Botsai](#)  
**To:** [JDLTestimony](#)  
**Subject:** HB1509  
**Date:** Monday, March 24, 2014 8:26:07 PM

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Dear Chair Hee,

I am in support of HB1509 HD1 SD1, relating to mobile electronic devices, and urge your committee's favorable recommendation and passage.

The current law remains much too broad and its interpretation by law enforcement has led to questionable citations being issued for violations that do not present distractions to drivers.

Thank You,

Donald R. Botsai  
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