

**SB2729**

**SD1**

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE KK-LC

February 25, 2014

The Honorable Clayton Hee, Chair  
and Members  
Committee on Judiciary and Labor  
State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Hee and Members:

Subject: Senate Bill No. 2729, S.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 is strongly opposed to the passage of Senate Bill No. 2729, S.D. 1, Relating to Mobile Electronic Devices. The passage of this bill would amend the definition of "use or using" a handheld Mobile Electronic Device (MED), would endanger our driving community, and in effect would make enforcement of this statute virtually impossible. In addition, this bill would amend the penalty to a traffic infraction with a \$200 fine.

Distracted driving is a serious problem 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.

Changing the definition of "use or using" a mobile electronic device in the driver's hand "for the purpose of making or receiving a non-emergency call, texting, or receiving a text message" while operating a motor vehicle would make the statute unenforceable. Law enforcement officers would not be able to testify what the driver of the vehicle was doing on the MED. Allowing drivers to hold the MED to search for current traffic conditions, accidents, or alternative traffic routes still causes the driver to be distracted and will place our driving community at risk.

By allowing drivers to use an MED, there are three primary distractions.

- Visual distraction: Tasks that require the driver to look away from the roadway to visually obtain information.
- Manual distraction: Tasks that require the driver to take one or both hands off the steering wheel to manipulate a control, device, or other non-driving-related item.

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- Cognitive distraction: Tasks that require the driver to avert his or her mental attention away from the driving task.

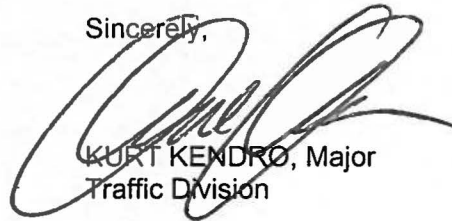
Changing this law would provide a legal and justified excuse for a driver to hold an MED. Law enforcement officers would not be able to refute the explanation, and no citations could be issued. The greater risk is that if this law is changed, drivers could hold an MED and as illustrated above and would be distracted threefold when all of their attention should be on the roadway in front of their vehicles.

In 2013, the HPD issued 11,007 citations for drivers who were holding an MED. Distracted drivers are a serious problem in Hawaii, this nation, and around the world. Changing this law will make it unenforceable, offer no deterrent for drivers to not use their mobile electronic devices, and will increase the number of crashes by distracted drivers.

The HPD strongly urges you to oppose Senate Bill No. 2729, S.D.1, Relating to Mobile Electronic Devices.

Thank you for the opportunity to testify.

Sincerely,



KURT KENDRO, Major  
Traffic Division

APPROVED:



LOUIS M. KEALOHA  
Chief of Police

The Twenty-Seventh Legislature, State of Hawaii  
Senate Committee on Judiciary and Labor  
Sen. Clayton Hee, Chair  
Sen. Maile S.L. Shimabukuro

RE: SB 2729 Relating to Mobile Electronic Devices

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

I **Strongly Support** the passage of SB 2729 with amendments, as it relates to the use of mobile electronic devices while operating a motor vehicle.

Thank you for the opportunity to submit testimony.

Respectfully submitted,

Michael E. Makekau