



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

IN REPLY REFER TO:

February 9, 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 143

COMMITTEE ON TRANSPORTATION

House Bill 143 prohibits the use of a mobile telephone while driving unless equipped with a hands-free accessory and being used in the hands-free mode.

**The Department supports this bill.** The Department of Transportation supports all efforts to reduce distracted driving to make Hawaii's roads safer for all roadway users.

We agree that a distracted driving bill will help reduce traffic crashes, which is why our focus is on the most vulnerable group, teen drivers. Their lack of driving experience and immaturity may make younger drivers more prone to accidents while driving. For that reason, we prefer the language of House Bill 1158.

Recent findings by Carnegie Mellon researchers showed that merely listening to a person over the cell phone, even with hands-free devices, can hamper a person's driving ability. The findings also indicated that during the dual task of listening and driving, the brain activity in the navigation areas of the brain decreased by 37 percent as compared to the task of solely driving.

According to the National Highway Traffic Safety Administration, distracted drivers were 50 percent more likely to be seriously injured or killed in their crashes, compared to attentive drivers. Also, distracted drivers are more likely than attentive drivers to be involved in single-vehicle or rear-end crashes. Furthermore, younger drivers under the age of 20 were more likely than drivers of other ages to have been distracted at the time of their crashes (12 to 14 percent).

The State of Hawaii crash data indicates that between the years of 2001 through 2005, there were a total of 31,515 motor vehicles crashes resulting in injuries. Of those 31,515 injury-producing crashes, a total of 2,134, or 6.8 percent of those crashes involved a driver between the ages of 15 through 17 years old. During the same time period, there were a total of 22,270 property damage only crashes, of which 1,400, or 6.3 percent of those crashes, involved a driver between the ages of 15 through 17 years old.



**Office of the Public Defender  
State of Hawaii  
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,  
State of Hawaii to the Senate Committee on Judiciary and Labor**

February 9, 9:00 a.m.

**H.B. No. 143: RELATING TO THE USE OF MOBILE PHONES AND ELECTRONIC  
DEVICES WHILE DRIVING**

Chair Souki and Members of the Committee,

This measure will prohibit the use of a mobile telephone or electronic device while operating a motor vehicle. The use of a mobile phone will be permitted if the operator utilizes a hands-free device. We believe that the current offense of inattention to driving sufficiently addresses the problem of people who drive in a dangerous manner while engaged in an activity such as eating, applying makeup, or using a mobile phone or other electronic equipment.

This bill essentially targets all people who drive while talking on a cell phone without a hands-free attachment. Even drivers who are capable operating a vehicle safely while talking a cell phone will be punished. Furthermore, this bill imposes a strict liability on cell phone users. The state would not have to produce any evidence of hazardous driving. How is this activity any more dangerous than eating food, applying makeup or reading a newspaper while driving? Automobiles are now being sold with GPS navigation screens as standard equipment. Many of us have purchased detachable GPS units or utilize our mobile phones to assist us in navigating to our intended destination. Would the use of GPS navigation be prohibited under this measure?

The offense of inattention to driving requires that the vehicle be driven "without due care" or "in a manner as to cause a collision with, or injury or damage to" a person, vehicle or property. We believe that a person who drives a vehicle in this manner while using a mobile phone or other electronic device has committed the offense of inattention to driving.

We oppose H.B. 143. Thank you for the opportunity to be heard on this matter.



Dan Youmans  
Director  
External Affairs

AT&T Services, Inc.  
P.O. Box 97061  
RTC1  
Redmond, WA 98073-9761

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www.att.com

February 9, 2009

The Honorable Representative Joseph Souki  
Chair, Committee on Transportation  
Hawaii State Legislature

*RE: Amendment to Hands Free Legislation HB 143*

Dear Rep. Souki and Members of the Committee on Transportation:

AT&T is neutral on House Bill 143, which would require a hands-free accessory while using an electronic device while driving. However, we would urge the Committee to amend the bill by replacing the existing definition of "Hands-free accessory" with the following definition (Page 4, lines 11-14):

"Hands-free accessory" means an attachment, add-on, built-in feature, or addition to a mobile phone, whether or not permanently installed in a motor vehicle, 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 a device."

This definition would ensure that a person could dial a phone number without being in violation of the requirement to use a hands-free device. Under the existing definition in HB 143, a person would not be able to dial a telephone number because two-hands would be required on the steering wheel at all times when the electronic device is in use. Under the definition that AT&T is requesting, a person could dial a phone number, but then would be required to use the hands-free accessory to talk on the phone.

Thank you for considering this change in House Bill 143. Please contact me if you have any questions about the changes we are proposing in the bill.

Respectfully Submitted,

Dan Youmans  
Director, External Affairs  
AT&T



February 9, 2009

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION  
ON HB 143 RELATING TO THE USE OF MOBILE PHONES  
AND ELECTRONIC DEVICES WHILE DRIVING**

Thank you Chair Souki and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) which has 380 transportation related members throughout the state of Hawaii.

HTA's comment is to express appreciation for the recognition that it is critical for motor carriers to maintain communication with drivers of commercial vehicles as there is no direct supervision of them on the road.

Company communications are not sent casually and are not frivolous in nature.

In cab, and hand held radios are not capable of being operated in a hands free mode. Audio communications have been safely used in the industry for over 50 years. A commercial driver's required training and sheer time spent behind the wheel sharpens their ability to use these devices safely.

Furthermore, the driver of an automobile has many opportunities to park or pull off the road to receive communications. Unfortunately, a bus, truck, truck tractor, or combination of vehicles has extremely limited safe and legal parking opportunities.

Thank you.

**awana3-Elenoa**

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**From:** Joe Speroni [speroni@clearwire.net]  
**Sent:** Friday, February 06, 2009 3:47 PM  
**To:** TRNtestimony  
**Subject:** TRN 2/9/09 HB 143

Joseph Speroni  
FCC Amateur Radio Licensee, AH0A  
2781 Kapiolani Blvd #502  
Honolulu, HI 96826-

House Committee on Transportation

February 9, 2009

HB 143

5 Copies

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Chairman Souki and members of the Committee, my name is Joseph Speroni, a Federal Communications Commission (FCC) Amateur Radio Licensee, and I Support the intent of this bill to regulate the use of cell phones and texting in moving vehicles.

However, I feel the committee needs to recognize existing Amateur Radio service contributions to the nation and the State of Hawaii before adopting wording that restricts these radio stations.

Many Amateur Radio licensees, once they pass FCC examinations,

- Invest time and effort in the construction of systems for mobile communications.
- Use this equipment to frequently practice for emergencies.
- Support permitted public events with mobile communication, at no cost, to these non-profit organizations.

The Amateur Radio Service is a well trained volunteer corps of communications experts. Individuals have invested thousands of dollars in equipment and we would ask the committee to take no action that would retroactively put in jeopardy use of these considerable investments.

FCC licensed Radio Amateurs have a long history of providing mobile communications. They cooperate with State and County Civil Defense in training personnel, and planning and practicing for emergencies. Unlike cell phone usage and texting by the general public there are no reported public safety incidents due to operation of FCC licensed mobile Amateur Stations.

As one possible remedy, a minor change to page 3, lines 9 and 10 would safeguard the Amateur Radio service (note, all radio operators of commercial services are licensed by the FCC),

- 9 emergency vehicle, or as an FCC licensed operator
- 10 of a vehicle.

I would like to express my appreciation for being able to submit testimony on this bill and hope the committee can consider this input in drafting the final bill.

Sincerely,

Joseph Speroni

**awana3-Elenoa**

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**From:** Tiff Lawyer [tifflawyer@gmail.com]  
**Sent:** Friday, February 06, 2009 1:52 PM  
**To:** TRNtestimony  
**Subject:** HB143 Hearing Date February 9, 2009 at 9am

Testomony Submitted by Tiffany Lawyer, AH6S Amateur Extra Class Licensee on HB143 Hearing Date February 9, 2009 at 9am

Please exclude Amateur Radio Operators who have a valid Amateur Radio License Plate on their vehicle which is granted by the Office of Emergency Management by the various counties. The equipment used by operators for emergency communications must be in a constant state of readiness. By having the equipment in constant use in the operators automobiles enables the operators to monitor and use their radio systems on a frequent basis. To have the equipment piled up in closet which has to be gathered up to respond to an emergency is not the best plan.

I have been a licensed amateur radio operator for over 50 years and have seen and experienced time and time again the positive help amateur radio operators have done in their communities. We are a valuable resource that goes about our helping and communicating all over the world. Please respect our value by not restricting the operation of our emergency radios in our vehicles.

Thank you,

Tiffany Lawyer  
AH6S  
Extra Class Amateur Radio Operator  
Kailua, HI

**From:** Dennis Egge [dne39@isp.com]  
**Sent:** Friday, February 06, 2009 1:34 PM  
**To:** TRNtestimony  
**Subject:** TRN 2/9/09 HB 143

Chairman Souki and members of the Committee: My name is Dennis Egge and I respectfully propose the following HB 143 (parenthasized) language changes. Please accept my written testimony for the House Transportation Committee hearings, on Monday, February 9<sup>th</sup>, 2009; I plan to attend

"Amateur radio operators are licensed and trained to operate their equipment safely in the environment for which it is designed to be used. Please consider amending HB NO. 143 language to reflect this important (parenthesized) information.

Page 4	HB NO. 143
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- 7. "Electronic device" means handheld electronic video games,
- 8. music players, personal digital assistants, or any other (non-radio/telephone) device
- 9. requiring the use of a battery and at least one hand to operate
- 10. the device. (Amateur, citizens, commercial and public-safety band mobile radio operators are exempted, when these devices are operated in accordance with governing FCC regulations.)"

73s, Dennis Egge; KH7MU  
2920 Ala Ilima #703, Honolulu HI 96818; 808-839-3443

Testimony of Bart Aronoff in SUPPORT of HB 143, with amendments

Chairman Souki and members of the Committee.

My name is Bart Aronoff and I am interested in this measure as someone who drives regularly, who occasionally uses a cell phone with a hands-free device while driving, and who operates a mobile radio for personal use and as an emergency response volunteer for the Honolulu Department of Emergency Management (RACES), HealthComm, and the American Red Cross. I am testifying as an individual and not as a representative of these organizations.

I support the need for this bill to regulate the use of cell phones by persons driving, to prohibit text messaging and use of a phone without a hands-free device while a vehicle is in motion.

I feel strongly, however, that reference to “other electronic devices” should be removed as it is overly broad and would prohibit use of equipment which has been safely used for many years and which is essential for commerce, disaster preparedness, and emergency response.

I believe the bill would be improved by specifically prohibiting use of handheld electronic video games and personal digital assistants by the operator of a vehicle while in motion.

Thank you for the opportunity to testify on this important matter.

**From:** Kevin Bogan [kevin.bogan@gmail.com]  
**Sent:** Friday, February 06, 2009 10:34 AM  
**To:** TRNtestimony  
**Subject:** Testimony for TRN 2/9/09 HB 143

Kevin C. Bogan, Hahaione Valley

House Committee on Transportation

February 9, 2009

HB 143

Chairman Souki and members of the Committee, my name is Kevin C. Bogan and **I support the reasons and rationale for this bill** to regulate the use of cell phones in vehicles (e.g., automobiles and cars) in order to foster safety on our streets and highways by curtailing cell phone use and texting by drivers.

Having said that, **I do strongly feel that the language be limited to cell phones and texting** and ask that you remove the references to other electronic devices.

Each one of us can tell our own many anecdotes about hazardous driving caused by someone raptly conversing on their cell phone. We cannot call to mind other devices that are so distracting. In the past, we have not banned eating, conversing with passengers, changing a radio station, dictating a memo on a voice recorder, listening to a cassette tape, or other similar actions while driving. It is only now with the growing prevalence of cell phones that we consider this issue.

To illustrate that the bill is too broadly written, please consider that the bill, as written, would impact drivers with medical devices such as pace makers and hearing aids, for example.

There are many more exceptions that could illustrate that the bill is too broadly written.

Therefore, in order to limit unintended consequences, **please limit the ban to cell phones and texting.**

Thank you very much for receiving and considering my testimony

Respectfully,  
Kevin C. Bogan  
6606 Kahena Place  
Honolulu, HI 96825

[TRNtestimony@capitol.hawaii.gov](mailto:TRNtestimony@capitol.hawaii.gov)

My name is Robert Schneider. My Amateur Radio call is AH6J. I am the elected American Radio Relay League Section Manager for the Pacific Section. My address is Box 131-Keaau, HI 96749 and phone 808-966-8146

TO: House Committee on Transportation

February 9, 2009

REF: HB143

Chairman Souki and members of the committee, while I support the intent of this bill to promote highway safety, I do not think it will accomplish this goal as fully as expected and I believe the unintended negative consequences far outweigh any benefit. I urge you to not pass it in its present form.

I have submitted the entire text of the policy statement of the ARRL board of directors in the following pages. I do not agree with all of their statement however it is good information that you should consider. This resolution was passed in the January 2009 Annual BOD meeting.

The unintended consequences include but are not limited to:

1. The distraction is the real problem and is already covered in inattention to driving laws already on the books.
2. Do statistics really support the assumption that cell phone use causes a large number of accidents? What about other uses of mobile and portable radios?
3. The cell phone industry is in a period of rapid change. The definitions given today may not be valid in a short period of time. Blue tooth, hands free technology and installed phones do not solve the distracted driver problem. I tried hands free and it is more distracting to me then just holding the phone in one hand.
4. At the absolute very least any law passed should expire and not be like the obsolete 1800 laws regarding how to ride your horse. The technology is changing too rapidly.
5. In its present form the bill would prohibit Amateur Radio operations and commercial operations. Do you really want to cause more problems for business and emergency communications?
6. In the ARRL policy below they state that installed radios should be exempt however I use a hand held radio and do not have a permanent installation. They should also be exempted. Many commercial users also use hand held radios. Some commercial users also use cell phones.
7. There are many other reasons why this is a poor law. Please research it carefully before a tragic mistake is made and our emergency and commercial communications are harmed.
8. Finally this will be an additional burden on both the court system and anyone cited. Do you want to have to appear in court a minimum of three times to resolve a citation?

Thank you for your thoughtful consideration and I again urge you to not pass this law.

Respectfully Robert (Bob) Schneider

Background Information:

The American Radio Relay League is an incorporated 501c3 organization with headquarters in Newington, CT

INTRODUCTION:

Reference: <http://www.arrl.org/announce/board-0901/>

35. On motion of Mr. Isely, seconded by Mr. Mileschosky, it was VOTED that the following resolution be adopted:

WHEREAS, there is a growing trend for state legislatures and municipalities to consider legislation aimed at "distracted drivers" using cellular telephones; and

WHEREAS, this legislation often inadvertently prohibits or can be construed to prohibit Amateur Radio mobile communications; and

WHEREAS, Amateur Radio mobile communications are necessary to the accomplishment of the objectives of the amateur radio service; now, therefore, it is

RESOLVED, that the Executive Committee is instructed to develop a policy statement and recommended language which protects the ability of licensed radio amateurs to prudently conduct mobile amateur communications. The Chief Executive Officer and General Counsel are instructed to draft such a policy statement for submission to the Executive Committee not later than February 1, 2009 for its consideration.

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Reference: [www.arrl.org/govrelations/MobileAmateurRadioPolicyStatement.pdf](http://www.arrl.org/govrelations/MobileAmateurRadioPolicyStatement.pdf)

## **POLICY STATEMENT of**

ARRL, THE NATIONAL ASSOCIATION FOR AMATEUR RADIO

Adopted by the ARRL Executive Committee, January 30, 2009

### **Mobile Amateur Radio Operation**

ARRL, the national association for Amateur Radio, formally known as the American Radio Relay League, Incorporated (ARRL) is the principal advocate for the interests of FCC-licensed Amateur Radio operators in the United States. Obtaining an FCC Amateur Radio license requires the passing of a written examination on regulations, operating practices, electronics theory, and safety. There are approximately 680,000 licensed Amateur Radio operators in the United States. Amateur Radio operators provide emergency and public service communications on a volunteer, uncompensated basis. Amateur Radio is an avocation, which is intended by the Federal Communications Commission to encourage and promote technical self-training, international goodwill, non-commercial communication service (particularly with respect to emergency communications), advancement of radio technology, and expansion of the existing reservoir of trained operators, technicians, and electronics experts. Amateur Radio operators are responsible for many advances in electronics and telecommunications technology over the past 100 years.

In the course of preparing for and conducting emergency, disaster and other public service communications, Amateur Radio operators routinely equip their motor vehicles with two-way radios, operated most often with hand-held microphones. The radios are typically installed in the vehicles and utilize fixed mounted speakers. Unlike cellular telephones, the speakers are not held to the face; the radios remain in the receive mode most of the time; transmissions typically are brief and infrequent. The microphone is held only when a transmission is being made or is imminent, and otherwise is stowed in a position where the operator can reach it without removing his or her eyes from the road. Amateur operators often conduct mobile communications as participants in networks of stations, controlled often by a fixed station, not unlike commercial dispatch mobile radio systems. Radio amateurs have regularly used mobile two-way radio systems for the past 70 years. The ARRL is aware of no evidence that such operation contributes to driver inattention. Quite the contrary: radio amateurs are public service-minded individuals who utilize their radio-equipped motor vehicles to assist others, and they are focused on driving in the execution of that function.

The States encourage mobile amateur radio operation as a public benefit. Every State issues license plates to motor vehicles of licensed radio amateurs showing their FCC-assigned call letters, in order to identify a particular vehicle as a mobile-radio equipped vehicle. The United States Congress, in 1994, in a Joint Resolution (S.J. Res. 90/H.J. Res. 199 (1994)), in "recognizing the achievements of radio amateurs, and to establish support for such amateurs as national policy" found and declared, among other things, that: "reasonable accommodation should be made for the effective operation of amateur radio from residences, private vehicles and public areas, and that regulation at all levels of government should facilitate and encourage amateur radio operation as a public benefit."

The ARRL acknowledges numerous and increasing instances of state legislative proposals (and occasionally municipal ordinance proposals) to curb the use of cellular telephones while operating motor vehicles, ranging from prohibitions on hand-held telephones to prohibitions on all forms of electronic devices. These statutory proposals would supplement the more generalized motor vehicle code requirements that exist in various forms in virtually all States, which require operators of motor vehicles to pay full time and attention to the operation of the vehicle while driving. ARRL understands that driver inattention is a leading

cause of automobile accidents, and it is not unreasonable to be concerned about substantial distractions to drivers of motor vehicles.

Typically, the intention of this type of legislation is to prohibit the operation of cellular telephones specifically, and devices incorporating full duplex wireless telephones, while operating a motor vehicle. Some such statutes prohibit the use of such devices while driving unless they incorporate "hands-free" peripheral attachments. There is substantial variation in the definition of the devices regulated by the legislation. Often, the proposed statutory language broadly prohibits operation of "mobile communication devices" or "mobile electronic devices" while driving. Whether or not intentionally, some of these proposed statutes or ordinances would in fact, or could be interpreted to prohibit the operation of Amateur Radio equipment by drivers of motor vehicles. Often, there are exemptions to the general prohibition of mobile electronic or communication devices while driving. Some legislation specifically exempts devices that are operated on a hands-free basis. Other exemptions reference specific types of devices or radio services (such as public safety land mobile radio, Citizen's Radio Service or business and industrial land mobile radio) which are not intended to be restricted. Some legislation specifically exempts licensed Amateur Radio mobile operation; some does not.

Amateur Radio mobile operation is ubiquitous, and Amateur Radio emergency and public service communications, and other organized Amateur Radio communications activities and networks necessitate operation of equipment while some licensees are driving motor vehicles. Two-way radio use is dissimilar from full-duplex cellular telephone communications because the operator spends little time actually transmitting; the time spent listening is more similar to, and arguably less distracting than, listening to a broadcast radio, CD or MP3 player. There are no distinctions to be made between or among Amateur Radio, public safety land mobile radio, private land mobile radio, or citizen's radio in terms of driver distraction. All are distinguishable from mobile cellular telephone communications in this respect. Nevertheless, ARRL encourages licensees to conduct Amateur communications from motor vehicles in a manner that does not detract from the safe and attentive operation of a motor vehicle at all times.

Given the necessity of unrestricted mobile Amateur Radio communications in order for the benefits of Amateur Radio to the public to continue to be realized, ARRL urges state and municipal legislators considering restrictions on mobile cellular telephone operation to (I) narrowly define the class of devices included in the regulation so that the class includes only full duplex wireless telephones and related hand-held or portable equipment as defined below; or alternatively (II) specifically identify licensed Amateur Radio operation as an excluded service.

Suggested statutory language for state motor vehicle codes follows:

**(Definition)**

“Cellular Telephone (or Mobile Communications/Electronic Device)” as used herein means hand held or portable electronic equipment capable of providing full duplex, wireless voice or data communications via the public switched telephone network between two or more people. Also included are devices for text messaging or paging, personal digital assistants, laptop computers, equipment capable of playing video games or video disks, or equipment on which digital photographs are taken or displayed.

**(Prohibited Acts)**

Section \_\_\_\_\_ **Use of cellular telephones or mobile communications/electronic devices prohibited.** No person shall use a cellular telephone (or mobile communications or electronic device) in any manner, including the reading or sending of text or electronic messages on the telephone, while operating a motor vehicle unless the telephone is specifically designed to allow hands-free operation and the telephone is so used. This section shall not apply to a person who is using the cellular telephone (or mobile communications/electronic device): (a) While the vehicle is lawfully parked; or (b) To contact or receive calls from an emergency response vehicle or agency.

**(Exclusion)**

A mobile (electronic/communication) device does *not* include audio equipment or any equipment installed in the vehicle to provide navigation or emergency information to the driver, or video entertainment exclusively to passengers in the back seat. Nor does it include two-way mobile radio transmitters or receivers used by licensees of the Federal Communications Commission in the Amateur Radio Service.

## awana3-Elenoa

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**From:** John H. Gordon [johnh@kuaigordon.com]  
**Sent:** Friday, February 06, 2009 9:38 AM  
**To:** TRNtestimony  
**Subject:** Testimony against HB 143

As a licensed General Class radio amateur I want to submit this written testimony in opposition to HB 143 in its present form. This bill as currently written is too broad in that it will also make amateur radio transmissions from vehicles illegal. Amateur radio provides a very important emergency communications service and is vital in times when normal communications systems are inoperable. Amateur radio operators also provide communications service with their mobile equipment at fairs, parades and other community events often using their mobile radio equipment in vehicles. Amateur radio operators are a very professional group and operate their vehicles in a very safe manner. Additionally, operation of amateur radio mobile equipment is different than mobile phones. Normally the radio equipment is tuned up prior to use and does not require dialing or distracting fiddling as is required by mobile phones. In fact the most driver distracting thing about mobile phone operation is dialing numbers a function that will still be required by most phones even those equipped with hands free devices.

This Bill must be rewritten to exclude licensed amateur radio operators that are using mobile radios. I very much appreciate your considering this testimony related to HB 143.

John H. Gordon, NH7YQ  
3698 Albert Road  
Princeville, HI 96714  
808 826 9573

## awana3-Elenoa

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**From:** Ray Moody [moody@hawaii.edu]  
**Sent:** Friday, February 06, 2009 9:04 AM  
**To:** TRNtestimony  
**Subject:** TRN 2/9/09 HB 143

Chairman Souki and members of the Committee, my name is Raymond Moody.  
I am a volunteer for State Civil Defense and for the American Red Cross, Captain of Disaster Action Team Alpha.

I am in full support of restrictions on cell phone use during vehicle operation. However, H.B. 143, by including "other electronic devices," leads to unintended consequences.

H.B. 143 would prohibit (1) state and county civil defense agencies, using normal, federally licensed radio communications, from communicating with most of their volunteers to coordinate relief efforts and (2) the Red Cross and other non-governmental agencies (VOAD), also using normal, federally licensed radio communications, from tracking and coordinating the delivery of relief supplies to city/ county designated shelters as well as to on-duty police, fire, civil defense, and EMS teams. Further, including "other electronic devices" would also prohibit drivers from using digital watches, hearing aids, and pace makers, which manage heart, kidney, and brain functions and restore people to normal functioning.

I don't believe that our legislators intend to restrict disaster relief operations and normal human functioning. Restricting the use of cell phones and video games would not interfere with these vital operations but would help to insure our safety on our roadways.

H.B. 225 does a better job.

Sincerely,

Raymond Moody

## awana3-Elenoa

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**From:** Earl Laver [earllaver@fastnethi.com]  
**Sent:** Friday, February 06, 2009 8:39 AM  
**To:** TRNtestimony  
**Subject:** TRN 2/9/09

I am the net manager for the HawaiiAfternoonNet. My name is Earl Laver, my call sign is KH6EL. The bill ,HB143, if not modified would of extreme detriment to the ham community. Many of us are active in times of emergency and our served agency's would be hampered as we as emergency operators would be. When a ham radio is being used mobile the radio is on a set frequency and all the operator has to do is to hold the mic up to his mouth and push the press to talk button this requires much less attention than say a cell phone. I generally stop my vehicle along the road and operate 'mobile' but this , evidently ,would also be illegal. For the good of the community I think the language of this bill should be addressed. Regards Earl Laver KH6EL

## awana3-Elenoa

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**From:** djsmith@hawaii.rr.com  
**Sent:** Friday, February 06, 2009 4:52 AM  
**To:** TRNtestimony  
**Subject:** TRN 2/9/09 HB 143

Dear Chairman Souki and Members of the Committee, my name is Dennis Smith. I reside at 98-446 Pono ST, Aiea, HI. I write this email to express my support for the passage of HB 143 as it pertains to the use and operation of cellular phone devices in motor vehicles.

However, I respectfully request that the Committee remove any language as it pertains to the operation of Amateur Radio devices in motor vehicles. Although I am not an Amateur Radio operator myself, as a Federal Law Enforcement officer of over 26 years I was exposed to the many benefits of Amateur Radio during my career during emergencies and disasters.

In times of tragedy and emergencies, I feel that we must not hamper those great people who are willing to help us in our times of need.

Thank you very much for your time in reading this.

Sincerely,

Dennis J Smith  
Special Agent/Retired  
U.S. Immigration Service

**From:** Ernest Murphy [ernestmurphyiii@gmail.com]  
**Sent:** Thursday, February 05, 2009 10:59 PM  
**To:** TRNtestimony  
**Subject:** HB143 "Relating to the Use of Mobile Phones and Electronic Devices While Driving"

House Transportation Committee

Feb. 5, 2009

Ladies and gentlemen:

HB143 "Relating to the Use of Mobile Phones and Electronic Devices While Driving" is so broadly written and vaguely worded that it also prohibits licensed amateur radio operators from using their mobile transceivers.

If cell phone use while driving is a problem, the legislation should be written to deal with cell phones. If text-messaging while driving is a problem, the legislation should be written to deal with that.

The mobile radios used by licensed amateur radio operators are virtually identical to those used by large commercial vehicles and taxicabs. They are designed specifically for mobile use and do not require the operator to take eyes off the road. Such radios require no tuning or other fiddling with knobs or controls during operation.

Licensed amateur radio operators receive specific training in the safe use of these radios. Those who use them generally have been using them for years. There is no evidence of use of these radios becoming a hazard to other drivers on the road, whether in Hawaii or anywhere else. It just doesn't happen.

Many licensed radio amateurs who have such radios use them both for emergency communications and for general everyday use. In a power failure or other civil emergency, these radios often are the best (if not only) means of communication for entire neighborhoods. They are used, for both emergency and nonemergency use, in conjunction with repeaters operated by state and county civil defense agencies. Repeaters are radio transmitters, generally located on tall buildings, hills or mountains, that extend the range of mobile radios.

With state and county agencies thus spending taxpayer dollars to facilitate the use of mobile amateur radios, it seems ludicrous that the Legislature is considering making use of such radios illegal.

The Federal Communications Commission already regulates use of mobile radios by licensed amateurs. This form of electronic communication already is under government supervision, and any further attempt to regulate it by local or state governments is entirely unnecessary.

Radio amateurs comply with all FCC rules concerning the use of these radios because failure to do so leads to loss of license.

It is possible that someone is confusing licensed amateur radio operation with the unlicensed, unregulated and generally chaotic form of radio communication known as CB or Citizens Band. CB was briefly a fad in Hawaii, some decades ago, but today has all but disappeared from these Islands.

Thank you and aloha.

Ernest Murphy  
Hawaii Kai  
Amateur radio license NH7L

**From:** HOWARD [andrush004@hawaii.rr.com]  
**Sent:** Thursday, February 05, 2009 5:47 PM  
**To:** TRNtestimony  
**Subject:** House Committee on Transportation HB143

Dear Transportation Committee

I applaud your bill concerning the use of cellular phones while driving, however I am concerned about prohibiting the use of amateur (Ham) radio operation while driving. Ham radio operation while driving is fairly rare and I would guess doesn't cause accidents anymore than fire, police or emergency vehicles, taxi or utility services do. Please re-word the bill to address the problem at hand and prohibit the use of cellular telephones while driving.

Respectfully,  
Howard R. Andrus  
Communications Specialist  
Fort Shafter Hawaii

Resident and home owner  
47-670 Wailehua Place  
Kaneohe, Hawaii  
96744

(808)429-6001

## awana3-Elenoa

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**From:** Gary Fuchikami [wh6c@yahoo.com]  
**Sent:** Thursday, February 05, 2009 4:55 PM  
**To:** TRNtestimony  
**Subject:** HB 143, House Committee on Transportation, 2/9/09 9:00am

To Whom It May Concern:

I wish to ask that HB 143 include in Section 2, chapter 291C that this does NOT include the use of amateur radio equipment, CB radio, or similar commercial radios. In this way, two-way radios in use by commercial truckers, taxis, police, fire, ambulance, ham operators, etc. (with handheld microphone and PTT button) can be operated in a moving vehicle.

To support this, I would ask if anyone has any statistics indicating that using these types of radios have caused/contributed to accidents. It is my experience through observation that use of cell phones have markedly increased the number of accidents or near-misses.

Thank you very much for your consideration!

Aloha,

Gary Fuchikami  
Member C&C RACES (Radio Amateur Civil Emergency Service) Ewa Beach, HI

**awana3-Elenoa**

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**From:** Holbrook, Darren S LTC MIL USA USARPAC [Darren.Holbrook@us.army.mil]  
**Sent:** Friday, February 06, 2009 5:00 PM  
**To:** TRNtestimony  
**Cc:** dholbrook@hawaii.rr.com  
**Subject:** TRN 2/9/09 HB 143 (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Darren S. Holbrook

House Committee on Transportation

February 9, 2009

HB 143

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Chairman Souki and members of the Committee, my name is Darren Holbrook and I do support the intent of this bill to promote traffic safety by controlling cell phone use and texting by drivers.

However, I strongly feel that you should eliminate the words "other electronic devices" from the bill.

I feel that the definition of electronic devices is too broad. I recognize cell phone use and texting by drivers can be dangerous, but I feel that other electronic devices have been safely used for many years. Other states have specified in their bills that the use of Amateur Radio equipment is exempt from their cell phone use while driving laws. (New Jersey for one) The FCC licenses all Amateur radio operators and they provide a volunteer service to the community. I feel that if you leave "other electronic devices" in the bill, then the assistance we provide will be greatly diminished.

I do appreciate all the work you do and giving me the opportunity to submit testimony on this bill. I believe you have the best interest of the public in mind.

Thank you for your service.

v/r  
LTC Darren "Stacy" Holbrook  
USARPAC Equal Opportunity Program Manager  
808-438-2678

Classification: UNCLASSIFIED  
Caveats: NONE

**Testimony provided by Bev Yuen**

**House Committee on Transportation**

**February 9, 2009**

**HB 143**

**5 Copies**

Chairman Souki and members of the Transportation Committee,

**I support HB 143** which promotes highway safety by prohibiting the use of cell phones while operating a motor vehicle (except when using a hands-free device) **if it is amended.**

As written, **I believe this bill is too broad.** The word “mobile phone” should be replaced by “cellular phone”. “Mobile phone” users include many smaller commercial vehicles, for example taxis (that are less than the 10,000 pounds exclusion of the bill), and ham radio operators. They, and others, have been using radios that would fit into your definition of “mobile phone” for many years without a problem. It is the cell phone user who has created the problem not the other mobile phone operators.

I suggest that the bill be revised to specifically target cell phone usage rather than the more encompassing “mobile phone” language.

A restriction to just cell phones should cut down the accidents and near-accidents from talking and texting on cell phones while driving, while allowing other groups of “mobile phone” users to continue to safely communicate as they have done for many years.

Thank you for the opportunity to provide input into the discussion of this traffic safety bill.

## awana3-Elenoa

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**From:** Ann Elizabeth Miller [millerann@hawaii.rr.com]  
**Sent:** Saturday, February 07, 2009 9:07 AM  
**To:** TRNtestimony  
**Subject:** TRN 2/9/09 HB 143 Relating to the Use of Mobile Phones and Electronic Devices While Driving

Testimony of Ann E. Miller

House Committee on Transportation

February 9, 2009

Re: HB 143 Relating to the Use of Mobile Phones and Electronic Devices While Driving

I generally support legislation that seeks to improve road safety by limiting cell phone use and text messaging while driving. I believe that HB 143 would sufficiently address safety issues without causing unintended undesirable consequences if its scope were limited to prohibiting the use of cell phone and text messaging by the driver of a vehicle while the vehicle is in motion.

Therefore, I recommend that the committee *not pass broad language* that goes beyond cell phones to other electronic devices and mobile radio communications. Whereas cell phone use by drivers appears to contribute to accidents on the roadways, historically there has not been any recognized threat to public safety from the use of mobile radios for such purposes as public/government operations (first responders and service fleets), commercial dispatch (e.g. taxis), and/or amateur ("ham") radio (avocation, disaster/emergency response, public service). I recommend that language pertaining to other devices and means of communication be excluded from the bill.

I am testifying as a private citizen. I am an amateur radio operator, and volunteer for various emergency/disaster response organizations, including for communications.

**awana3-Elenoa**

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**From:** Ron Hashiro [rhashiro@hawaiiintel.net]  
**Sent:** Saturday, February 07, 2009 2:47 PM  
**To:** TRNtestimony  
**Subject:** TRN 2/9/09 HB 143

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Testimony of Ron Hashiro  
House Committee on Transportation  
February 9, 2009  
HB 143  
5 Copies

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Chairman Souki and members of the Committee, my name is Ron Hashiro and I SUPPORT WITH AMENDMENTS the need for this bill to promote traffic safety by regulating the use of cell phones in motor vehicles

However, ... I OPPOSE and feel very strongly that the bill is too broad and that references to "other electronic devices" should be removed. This reference encompasses the use of mobile data terminal devices installed in City and County vehicles used by HPD and HFD. Similarly, vehicles used by Handivan and TheBus, HECO, TheCab and other entities and individuals are also affected. These devices uses a battery -- the battery in the vehicle.

These devices differ from cellular telephones and text-messaging devices as it uses two-way radios instead of wireless telephones and therefore are not available to the general public. If this bill passes and becomes law, pressing one button and sending an instant message on these devices by these drivers who are doing their job would be a violation of the law. These devices and the use of two-way mobile radios should not be within the scope of this bill.

I respectfully request that the scope and definition of the bill be limited to cellular telephones, and not "other electronic devices".

I appreciate the opportunity to submit testimony to this bill.

Aloha,

Ron Hashiro  
Makiki

**awana3-Elenoa**

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**From:** Leslie Nunes [ukulelenut@hawaii.rr.com]  
**Sent:** Saturday, February 07, 2009 5:01 PM  
**To:** TRNtestimony  
**Subject:** TRN 2/9/09 HB 143

Chairman Souki and members of the Committee, my name is  
Leslie K. Nunes although I SUPPORT the purpose of this bill  
to promote traffic safety by controlling cell phone use and  
texting by drivers. I WOULD LIKE TO ADD THAT THIS BILL  
SHOULD NOT APPLY TO HAM RADIO OPERATORS.

Thank you very much for allowing me to express my testimony  
on this bill.

Mahalo

Leslie Nunes

613 Kaimalino Place

Kailua, HI 96734

AH7NU

Chairman Souki and members of the Committee, my name is  
Leslie K. Nunes although I SUPPORT the purpose of this bill  
to promote traffic safety by controlling cell phone use and

## awana3-Elenoa

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**From:** chinjung@aol.com  
**Sent:** Saturday, February 07, 2009 11:57 PM  
**To:** TRNtestimony  
**Subject:** Testimony for TRN 2/9/09 HB 143

Testimony of Clement H. M. Jung

House Committee on Transportation

Monday, February 9, 2009; 9:00 a.m. Hearing

HB 143

Chairman Souki and members of the Committee, my name is Clement H. M. Jung and I support the reasons for this bill to support traffic safety by regulating the use of cell phone and text messaging by a driver in a motor vehicle while the vehicle is in motion.

However, I strongly propose the language be limited only to cell phones and cell phone texting and remove all references to "other electronic devices". This reference could be interpretable to electronic devices used by State, County, Federal, and military agencies which will affect their government operations and businesses who use mobile radios and data terminals, to include but not limited to taxis, Hawaiian Electric Company, Hawaiian TelCom, Board of Water Supply, TheBus, and also amateur radio operators who handle disaster/emergency response to public service. In other words, this bill is too broadly written.

I am testifying as a private citizen. I am a licensed FCC amateur radio operator and a volunteer for various emergency/disaster response organizations to include as a registered Skywarn operator (calling weather reports to the National Weather Service) and RACES (Radio Amateur Civil Emergency Service) for emergency communications.

Therefore, the scope and definition of this bill be limited to cellular telephones and not "other electronic devices".

Thank you very much for considering my testimony.

Respectively,  
Clement H. M. Jung

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**awana3-Elenoa**

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**From:** Russell Houlton [russell.houlton@gmail.com]  
**Sent:** Sunday, February 08, 2009 9:35 AM  
**To:** TRNtestimony  
**Subject:** HB 143

Russell Houlton

House Committee on Transportation

February 9, 2009

HB 143

5 Copies

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Chairman Souki and members of the Committee, my name is Russell Houlton and I SUPPORT the intent of this bill to regulate the use of cell phones in vehicles while the car is in motion.

I too have seen and been affected by drivers who place their attention to driving secondary to a phone by their ear.

However, I OPPOSE the overly broad definition of "electronic devices".

Judges are not overly technical. They may misconstrue the use of a battery to include the car's electrical system effectively outlawing car stereos or other normal car accessories. I request language be inserted to make it clear that this is a battery apart from the car battery.

I also OPPOSE the possible application to two-way radio mounted in the vehicle. A judge may misinterpret a radio as a type of telephone.

Police, fire and large commercial vehicles have already been given a blanket exemption. Smaller commercial vehicles and private citizens need an exception for their radios.

Thank you for allowing me this opportunity to be heard.