



Deputy Directors  
MICHAEL D. FORMBY  
FRANCIS PAUL KEENO  
BRIAN H. SEKIGUCHI  
JIRO A. SUMADA

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

IN REPLY REFER TO:

March 16, 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 1054 SD 2

COMMITTEE ON TRANSPORTATION

Senate Bill 1054, SD 2 prohibits drivers under the age of 18 who possess a provisional license or temporary permit, from various tasks that distract them from the primary task of driving. These drivers would be banned from using cell phones or other electronic devices, consuming food or beverages, engaging in personal grooming or attempting to reach for any object or device, while driving.

**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 and assist in focusing on the most vulnerable group, teen drivers. Their lack of driving experience and immaturity may make younger drivers more prone to accidents while driving.

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. These results also indicated that during the dual task of listening and driving, the brain activity in the navigation areas of the brain decrease by 37 percent as compared to the task of just 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, relative 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.

Younger drivers between the ages of 15½ through 17 years old that are prohibited from undertaking various, non-driving tasks while driving, should be less distracted while operating a vehicle, thereby increasing their ability to concentrate on driving. In turn, the roadway will be safer for all roadway users.



**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 House Committee on Transportation**

March 16, 2009, 9:00 a.m.

S.B. No. 1054, SD2: RELATING TO HIGHWAY SAFETY

Chair Souki and Members of the Committee,

This measure will prohibit minors with a provisional driver's license from doing anything other than driving an automobile. For example, this measure will prohibit the provisional licensee from using a mobile phone, including those equipped with a hands-free device, text messengers, and from consuming food or beverages, combing or brushing hair, "or attempting to reach for any object or device not related to or necessary for driving." We believe that there will be problems with the enforcement of this measure, and 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, grooming, or using a mobile phone or other electronic equipment.

This bill essentially targets all minors who possess a provisional license. Even those minors who are capable operating a vehicle safely while listening to the radio or chewing gum will be punished. Some provisional licensees will look older than eighteen, and others will appear younger. A mature appearance has no correlation with one's driving ability. How do we expect our police officers to enforce this measure? How can they tell if the person on the mobile phone or the person chewing on French fries has a provisional license? Do they stop everyone that looks young? We have problems with the enforceability of this bill. The accompanying intrusion and inconvenience to anyone who looks young is will not be tolerated.

Furthermore, this bill imposes a strict liability on provisional licensees. The state would not have to produce any evidence of hazardous driving. How are these activities any more dangerous than smoking while driving, or using GPS navigation? Listening to music on the radio, CD or mp3 is not related or necessary for driving. Does this mean that a police officer could pull over any "young looking" driver who is observed to be singing along with his or her favorite song? If this example sounds ridiculous, it is because this measure is ridiculous.

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, eating or applying makeup has committed the offense of inattention to driving.

We oppose S.B. 1054. Thank you for the opportunity to be heard on this matter.



**MADD**  
Activism | Victim Services | Education™

Mothers Against Drunk Driving HAWAII  
700 Bishop Street, Suite 1111  
Honolulu, HI 96813  
Phone (808) 532-6232  
Fax (808) 532-6004  
[www.maddhawaii.org](http://www.maddhawaii.org)

March 16, 2009

To: Representative Joseph M. Souki, Chair – House Committee on Transportation; Representative Karen Leinani Awana, Vice Chair; and members of the committee

From: Arkie Koehl — Chair, Public Policy, MADD - Hawaii

Re: Senate Bill 1054 SD 2 – Relating to Highway Safety

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I am Arkie Koehl, speaking in support of Senate Bill 1054 SD 2 on behalf of the membership of MADD-Hawaii.

MADD was part of a group which provided strong advocacy for graduated drivers licensing in Hawaii, resulting in Act 72 in 2006.

We continue to encourage efforts to enhance the highway safety of young drivers, and all Hawaii's citizens and visitors. MADD specifically supports that portion of Senate Bill 1054 SD 2 which restricts the use of wireless communications devices, based on the position and research by the National Transportation Safety Board.

As for other driving distractions cited in the bill, in the absence of research (for or against) we have no position at this time.

Thank you for the opportunity to testify.

Testimony to the Senate Committee on Transportation  
Monday, March 16, 2009 9:00 a.m.  
Conference Room 309, State Capitol

Re: SB1054, SD2 Relating to Highway Safety

Chair Souki, Vice Chair Awana and committee members:

I am Carolyn Fujioka on behalf of State Farm Mutual Automobile Insurance Company. **State Farm supports SB 1054, SD2.**

More than 40 states, including Hawaii, have adopted Graduated Drivers' Licensing (GDL) Laws to keep new teen drivers out of unsupervised high-risk driving situations, while permitting them to gain driving experience in lower-risk environments.

As stated in the National Safety Council 2007 GDL Symposium, studies estimate that states with strong GDL laws experience a reduction in the number of crashes involving teen drivers of 20% to 30%. A June 2006 study by John Hopkins University found that those states with comprehensive GDL laws that included nighttime and passenger restrictions showed up to a 20% decrease in fatalities among 16-year-old drivers.

Safety advocates and public policymakers have expressed a growing concern regarding an emerging issue, the use of electronic communication devices by inexperienced drivers while operating vehicles. One of the five optimal provisions in GDL statutes is prohibiting the use of electronic communication devices while driving during the learners or provisional licensing stages. Learning to drive requires focus and concentration. Even experienced drivers are affected by the distraction of using a cell phone and similar devices. Ford Motor Company research shows that teen drivers are more than four times more distracted by the use of cell phones and similar devices than adult drivers. Noting that existing state laws do not go far enough to protect young drivers from hazards of distracted driving, in 2005 the National Transportation Safety Board called for states to enact bans on the use of interactive wireless communication devices for all novice or provisional drivers under the age of 18.

Distracted driving, from any number of causes including eating, drinking, grooming, reaching for objects, and using electronic devices, is a major cause of vehicle crashes. The National Highway Traffic Safety Administration reports that approximately 25% of all police-reported crashes in the U.S. are attributed to driver distraction.

The distraction to teen drivers created by electronic devices is of particular concern simply because of their widespread, constant use by teens. According to a recent study by The Children's Hospital of Philadelphia, 48% of teen drivers admit to talking on the phone while driving. Fifty-three percent report seeing their peers use another kind of handheld device, such as text messaging device, MP3 player, or game, while driving.

State Farm believes current distracted driving laws should be emphasized and enforced. We believe it is appropriate to adopt stricter regulations for beginning drivers.

Thank you for the opportunity to testify in support of SB 1054 , SD2 .