

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2010
STATE OF HAWAII

H.B. NO. 2602

A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Distracted driving is a problem of national concern. The legislature finds that the task of driving requires the driver's full attention in focusing on the roadway and driving maneuvers. Any distraction that diverts the driver's attention from the primary tasks of maneuvering the vehicle and responding to critical events increases the risk of being involved in a motor vehicle crash. A distraction is anything that takes the driver's eyes off the road (visual distraction), the driver's mind off the road (cognitive distraction), or the driver's hands off the wheel (manual distraction). The use of electronic devices, such as cellular phones, during the task of driving risks harm to the driver and others in the vehicle or on the road. New research findings by the National Highway Traffic Safety Administration show that nearly 6,000 (16 per cent of all fatal crashes) people died in 2008 in crashes involving a distracted or inattentive driver, and more than 500,000 were injured. A survey has shown that on any given day during 2008, more than 800,000 vehicles were driven by someone using a hand-held cellular phone. Federal researchers have observed drivers of all ages using a variety of hand-held devices while driving - cellular phones, iPods, video games, Blackberrys, and GPS systems. In particular, cellular phones used for talking and texting are more prevalent on our nation's roadways. The Harvard Center of Risk Analysis reports that

cellular phone use contributes to an estimated 6 per cent of all crashes. That equates to 636,000 crashes, 330,000 injuries, 12,000 serious injuries, and 2,600 deaths each year. The annual cost of crashes caused by cellular phone use is estimated at \$43,000,000,000. The Wireless Association reports that there are more than 270,000,000 cellular phone subscribers and that 81 per cent of the public admitted to talking on a cellular phone while driving. In 2007, the Hawaii department of transportation showed that, of the 8,770 collisions that happened during that year, 2,871 (32 per cent) were attributed to inattention to driving. On September 8, 2009, the United States House of Representatives introduced H.R. 3535, Avoiding Life-Endangering and Reckless Texting by Drivers Act of 2009 (ALERT Drivers Act), which was referred to the Committee on Transportation and Infrastructure. This bill would require states to enact a law prohibiting an operator of a moving motor vehicle from writing, sending, or reading a text message using a hand-held mobile cellular telephone and requires the imposition of graduated penalties each time this law is violated. The failure of any state to enact such a bill would require that the United States Secretary of Transportation withhold 25 per cent of the state's highway construction fund each year (that equates to \$40,000,000 in Hawaii) until a law is passed. This law would be effective on October 1 of the second fiscal year beginning after the date of the promulgation of the regulations.

The purpose of this Act is to prohibit the use of mobile cellular phones or other electronic devices while operating a vehicle, with certain exceptions, and to specifically prohibit activities such as texting, instant messaging, gaming, and emailing, activities that take the driver's eyes off the road, mind off the road, and hands off of the wheel.

SECTION 2. Chapter 291C, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§291C- Mobile electronic devices. (a) No person shall operate a motor vehicle while using a mobile electronic device.

(b) The use of a mobile electronic device for the sole purpose of making a "911" emergency communication shall be an affirmative defense to this law.

(c) The following persons shall be exempt from the provisions of subsection (a):

- (1) Emergency responders using a mobile electronic device while in the performance and scope of their official duties;
- (2) Drivers using two-way radios while in the performance and scope of their work-related duties and who are operating fleet vehicles or who possess a commercial vehicle license; and
- (3) Drivers holding a valid amateur radio operator license issued by the Federal Communications Commission and using a half-duplex two-way radio.

(d) As used in this section:

"Emergency responders" include firefighters, emergency medical technicians, mobile intensive care technicians, civil defense workers, and police officers, including federal and state law enforcement officers.

"Mobile electronic device" means any handheld or other portable electronic equipment capable of providing wireless audio, video, or data communications between two or more persons or of providing amusement, including but not limited to a cellular phone, text messaging device, paging device, personal digital assistant, laptop computer, video game, or any photographic device, but does not include any equipment installed in a motor vehicle for the purpose of providing audio, navigation, emergency assistance to the operator of the motor vehicle or video entertainment to the passengers in the rear seats of the motor vehicle.

"Operate" a motor vehicle means the same as is defined in section 291E-1.

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

(e) Every person who violates this section shall be subject to the following penalties:

- (1) For a first infraction, or any infraction not preceded within one year by a prior violation of this section, a fine of not less than \$100 and not more than \$200;
- (2) For an infraction that occurs within one year of a prior violation of this section, a fine of not less than \$200 and not more than \$300 and the suspension of the person's driver's license and privilege to operate a vehicle for a period of thirty days; and
- (3) For an infraction that occurs within two years of two prior violations of this section, and for the fourth and each additional infraction of this section, regardless of when committed, a fine of not less than \$300 and not more than \$500 and the suspension of the person's driver's license and privilege to operate a vehicle for a period of ninety days.

(f) Any violation as provided in subsection (a) shall not be deemed to be a traffic infraction as defined by chapter 291D."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2010.

INTRODUCED BY: _____

BY REQUEST

Report Title:

Highway; Safety; Distracted Driving; Motor Vehicle

Description:

Create a new law for distracted driving for drivers who operate any mobile electronic devices while operating a motor vehicle on the highways within the State of Hawaii to further define the penalties for reckless drivers will be a deterrent and result in safer roadways.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



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

IN REPLY REFER TO:

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

February 3, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 2602

COMMITTEE ON TRANSPORTATION

House Bill 2602 was proposed by the Administration and the Department of Transportation strongly supports its passage.

Distracted driving has become a national problem. The National Highway Traffic Safety Administration and the Governors Highway Safety Association agree that mobile electronic devices pose a safety problem while driving a motor vehicle. Six states have prohibited the use of any handheld cell phones and 21 states have prohibited novice drivers from using it. Seventeen states have also prohibited school bus drivers from the use of cell phones when passengers are present and 19 states, the District of Columbia and Guam have prohibited texting. Hawaii is one of 16 states that does not have any state law governing the use of cell phones or texting while driving.

We propose an amendment that paragraph (f) on page 6, lines 10 through 12 be deleted. We believe that the violation of this law should be a traffic infraction rather than a crime.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET, HONOLULU, HAWAII 96813
AREA CODE 808 • 527-6494

PETER B. CARLISLE
PROSECUTING ATTORNEY



DOUGLAS S. CHIN
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE JOSEPH SOUKI, CHAIR
HOUSE TRANSPORTATION COMMITTEE
Twenty-fifth State Legislature
Regular Session of 2010
State of Hawai'i

February 3, 2010

RE: H.B. 2602; RELATING TO HIGHWAY SAFETY.

Chair Souki and members of the House Committee on Transportation, the Department of the Prosecuting Attorney submits the following testimony in support of H.B. 2602 but with a request for an amendment.

The purpose of this bill is to create a new traffic infraction for using a mobile communication device while operating a motor vehicle. Use of a mobile device for the sole purpose of calling 911 is an affirmative defense and use of a mobile device by emergency responders and drivers using two-way radios while in the performance and scope of their work-related duties or with a valid FCC radio operator licenses are exempted.

Distracted driving is major contributor to vehicular crashes and near misses. The data regarding distracted driving is sobering. Eighty percent of all crashes and sixty-five percent of near crashes involve some type of driver distraction. In 2008, sixteen percent of the total traffic fatalities involved distracted drivers; this equals 5,870 deaths nationally. Furthermore, drivers using hand-held devices are four times as likely to get into crashes serious enough to injure themselves. And observation studies have shown an increase in the use of hand-held devices nationally from a rate of 0.7 in 2007 to 1.0 percent in 2008. We fully expect that as more and more devices are available are created to improve portable access to communication and

amusement that the temptation for drivers to use these devices while driving will increase. For this reason, we believe that a law specifically banning the use of hand held devices while driving is advisable.

This bill generally follows language of Ordinance 09-6 of the Revised Ordinances of Honolulu with a few clarifications and an enhanced penalty provision. Ordinance 09-6 is applicable to the City and County of Honolulu and has been in effect since July 1, 2009; it has not posed any significant enforcement issues for our office. If passed, H.B. 2602 would supersede Ordinance 09-6. As H.B. 2602 has made some minor clarifying amendments and provides for enhanced penalties, we do not object to it superseding Ordinance 09-6, **if subsection (f) at page 6 lines 10 to 12 is stricken.** If subsection (f) is retained, the cases would not go through the process set forth for decriminalized traffic infractions set forth in Hawaii Revised Statutes chapter 291D which generally determines the outcome of infractions without prosecutors trying the infraction or without police witnesses.

Thank you for this opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org



MUF! HANNEMANN
MAYOR

LOUIS M. KEALOHA
CHIEF

DELBERT T. TATSUYAMA
RANDAL K. MACADANGDANG
DEPUTY CHIEFS

OUR REFERENCE TTN-LC

February 3, 2010

The Honorable Joseph M. Souki, Chair
and Members
Committee on Transportation
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

Subject: House Bill No. 2602, Relating to Highway Safety

I am Major Thomas Nitta of the Traffic Division, Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly supports House Bill No. 2602, Relating to Highway Safety. This bill addresses the safety issue of dividing the driver's attention while operating a motor vehicle with the use of electronic devices such as cellular phones, personal data assistants, video games, texting devices, and the myriad uses of these devices.

The HPD feels that House Bill No. 2602 is a positive approach to the growing trend of society wanting to be connected or entertained. The safe operation of a motor vehicle is the primary duty of the driver, who should not be distracted or have his attention divided by these devices. This is a safety issue for all users of our roadways, drivers, passengers, pedestrians, and bicyclists.

A request to delete section "(f) Any violation as provided in subsection (a) shall not be deemed to be a traffic infraction as defined by chapter 291D" will streamline the process and the law may be processed as any traffic infraction.

A Harvard Center of Risk Analysis study has estimated that 6 percent of all crashes are caused by cell phone usage, equating to 636,000 crashes, 330,000 injuries, 12,000 serious injuries, and 2,600 deaths each year. Currently, an estimated 100 million people use cell phones while driving. It is reasonable to assume that driver distraction, which accounts for 80 percent of collisions, will rise with the growing trend of using electronic devices for various purposes.

Serving and Protecting With Aloha

The Honorable Joseph M. Souki, Chair
and Membrs
Page 2
February 3, 2010

In July 2009, the City and County of Honolulu enacted Ordinance 15-24.23, relating to the use of mobile electronic devices while operating a motor vehicle, following the City and County of Honolulu, the City and County of Hawaii's ordinance became effective in January 2010, with the City and County of Maui considering passing a similar ordinance.

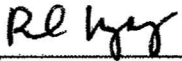
At present, no state in the United States of America has a total ban on the use of cellular phones while operating a motor vehicle. It is reported that talking on a cellular phone and talking on a hands-free phone has approximately the same amount of cognitive distraction. The intent of this bill in its current form is to address the prolific use of mobile electronic devices while operating a motor vehicle, and not to address all forms of driver distraction, nor to totally prohibit and ban the use of every form of electronic devices while operating a motor vehicle. The bill before this committee is practical, reasonable, and enforceable. It addresses safety and driver distraction, as opposed to the narrowly proposed ban on text messaging and video games, which was not enforceable and is addressed in the current bill.

Thank you for this opportunity to testify.

Sincerely,


Thomas T. Nitta, Major
Traffic Division

APPROVED:


LOUIS M. KEALOHA
Chief of Police



February 3, 2010

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION
ON HB 2602 RELATING TO HIGHWAY SAFETY**

Thank you Chair Souki and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) with over 400 transportation related members throughout the state of Hawaii.

Hawaii Transportation Association supports the intent of this bill, but may oppose part of the exemption in (c)(2).

We support exempting "drivers using two-way radios while in the performance and scope of their work-related duties." We feel it is imperative that motor carrier communications be maintained since there is no direct supervision over drivers. Many carriers still utilize two-way radios which do not have hands free features or blue tooth technology like cell phones do.

However, we may oppose the limitation to "fleet vehicles" or "commercial vehicle license," depending upon their definitions.

For example, if fleet vehicles means vehicles with fleet license plates, then we oppose that provision. Most motor carriers do not utilize fleet plates. Utilities use fleet plates extensively, but not other carriers.

If commercial vehicle license is limited to a commercial driver license (CDL) as defined in chapter 286-2 of the Hawaii Revised Statutes, then we oppose that as being too limiting. There are probably more vehicles driven commercially with Type 3 and 4 licenses than CDL licenses.

We would support a limitation of "vehicles over 10,000 pounds gross vehicle weight rating, registered to a motor carrier."

Thank you.

February 2, 2010

To: Joseph M. Souki, Chair, and
Committee on Transportation
House of Representatives

From: Melvin Fukunaga
2011 Kahekili Highway
Wailuku, HI 96793
kh6h@arrl.net

Testimony in Support
of
House Bill 2602 - Relating to Highway Safety
Wednesday, February 3, 2010 9:00 am
Capitol Conference Room 309

I support House Bill 2602 relating to mobile communications. Regulating the use of mobile electronic devices such as cell phones, computers, digital cameras, etc. while driving will improve safety on our highways.

I feel that the exemption for FCC licensed Amateur Radio operators is an important one and should be retained in HB 2602.

I have been an Amateur Radio operator for about 30 years. Operation of a two-way radio while driving is an essential part of the service that we can provide to government agencies such as Civil Defense or the National Weather Service during disasters. Amateur Radio operators can also provide communications support for public service agencies like the American Red Cross and VOAD (Voluntary Organizations Active in Disasters).

Thank you for your support of Amateur Radio and two-way mobile radio.

From: KH6XL - Darrell [kh6xl.hi@gmail.com]
Sent: Tuesday, February 02, 2010 5:20 AM
To: TRNtestimony
Cc: Rep. Karl Rhoads
Subject: Testimony for HB 2602, Mobile Electronic Devices

Chair Joseph Souki and members of the Committee on Transportation

Written Testimony By Darrell Omuro.

I SUPPORT WITH AMENDMENTS the need for this bill to regulate the use of cell phones in automobiles/cars/vehicles to promote traffic safety by controlling cell phone use and texting by drivers.

However, I strongly believe that exemption should include "FCC Licensed HAM operators" License is granted only after passing an examination.

History has shown in times of crisis and natural disasters current communications will fail due to power loss equipment failure. The only way to communicate was by use of Amateur Radio. Amateur radio created a bridge so emergency and rescue personnel could be coordinated.

The need to train or practice is not during an Emergency but time spent before the event even happens. Being prepared is essential to saving lives.

I'm not sure if you know but there are daily and weekly events that cover the Emergency response using HAM radios. Department of Emergency Management, Civil Defense, MARS, and other activities use HAM operators, for coordination i.e. Honolulu Marathon, March of Dimes and others.

Thank you for your support of amateur radio and two-way mobile radio.

Darrell Omuro
kh6xl.hi@gmail.com

Testimony of Keith K. Higa in support of HB2602

Relating to Highway Safety

Committee on Transportation
February 3, 2010
Rep. Joseph Souki, Chair
Rep. Karen Awana, Vice Chair

To Chair Souki, Vice Chair Awana, and the members of the committee:

My name is Keith Higa and I am an amateur radio operator licensed by the Federal Communications Commission (call sign WH7GG), also known as a "ham radio operator." I support the intent of HB2602 in that it attempts to address the problem of driving while distracted by prohibiting the use of cellular phones and certain other devices while driving. In particular, I am writing in support of subsection (c)(3), which exempts amateur radio operators from the provisions of the law.

The "amateur" in amateur radio does not imply unskilled. We are more than just a bunch of people playing with glorified walkie-talkies. Regulated by Part 97 of the FCC rules, the Amateur Radio Service is a pool of skilled individuals from all walks of life who share at least a minimum standard of technical knowledge of radio in order to receive their FCC license. Amateur radio is considered a hobby by many, and indeed most people join the Amateur Radio Service out of a strong interest in the technical or social aspects of radio transmission. However, the Amateur Radio Service does have a serious side.

Among the most important of the amateur radio operator's duties is supporting emergency communication efforts and providing communication support when vital communication infrastructure fails. Hams are trained, individually and collectively, to relay messages in an orderly manner. Hams played an important role in Hurricane Iniki and the October 2006 earthquake. During the islandwide power outage on December 26, 2008, a trained net control operator coordinated the exchange of messages between over 40 hams. Many of these hams were operating from their vehicles, providing vital information on malfunctioning signal lights and traffic situations to the Department of Emergency Management and Hawaii State Civil Defense. Others moved to various locations so that they could relay communications between stations.

In keeping with the strong emergency preparedness ethic among the amateur radio community, many hams either have radios and antennas installed in their vehicles or use a portable radio so that they can transmit in the event of an emergency situation. Even outside of an emergency, it is important for hams to make sure that their equipment works and that they can make vital contacts when necessary, so it is important that hams be able to exercise these skills and functions.

In formulating similar statutes, other states and jurisdictions, including the City and County of Honolulu, have provided for specific exclusions for amateur radio operators. We appreciate the recognition of the services of amateur radio operators in crafting the language of this bill.

Thank you for the opportunity to testify. We appreciate your efforts.

awana1-Enoka

From: Chuck Oh [hichuck0@yahoo.com]
Sent: Sunday, January 31, 2010 9:05 PM
To: TRNtestimony
Cc: Rep. Barbara Marumoto
Subject: House Bill 2602

Dear Honorable Rep Joseph Souki:

I am writing to respectfully urge your support to retain the exemption for licensed amateur radio operators and mobile two way radio operators in the captioned House Bill.

Mobile amateur and two way radio use in vehicles has has a long history of safety.

Amateur radio has the added recognition of providing emergency or disaster communications where common day-to-day mobile use encourages proper and safe communications and still provides information to authorities regarding health and safety concerns in the absence of cell phones or cell phone coverage.

Commerce has depended on dispatching and other functions via traditional two way radio for conducting of vital interests for many years without safety concerns.

To remove the exemption from said Bill would therefore (1) not improve motor vehicle safety, (2) preclude amateur radio operators from exercising a valuable service to the community and (3) impede the legitimate commercial use of a proven safe technology.

I thank you for your concerns and deliberations in making Hawaii a safe place for drivers and pedestrians by limiting proven cell phones, text messaging and other electronic communication device use risks while driving and pray that you and the Committee consider the unintended negative consequences of excluding the exemption for licensed amateur radio operators and commercial users of two way radios.

Respectfully Submitted,
Chuck Oh
808.952.7703 Direct
808.221.3325 Cell
1436 Ainakoa Ave.
Honolulu, HI 96821

awana1-Enoka

From: chinjung@aol.com
Sent: Sunday, January 31, 2010 2:08 PM
To: TRNtestimony
Cc: Rep. Pono Chong; rhashiro@hawaiiintel.net
Subject: House Bill 2602 Testimony, Relating to Highway Safety

Testimony of Clement Jung
House Committee on Transportation (TRN) Wednesday, February 3, 2010, 9:00 a.m.
Capitol Conference Room 309
House Bill 2602, Relating to Highway Safety
5 copies

Chair Joseph Souki and members of the Committee on Transportation
Testimony of Clement Jung
February 3, 2010, 9:00 a.m., Capitol Conference Room 309
House Bill 2601, Relating to Highway Safety

My name is Clement Jung and am a licensed amateur radio operator and I am involved in amateur radio emergency communications. I am also the Assistant Operations Officer at State Civil Defense. However, I am speaking as an amateur radio operator. I SUPPORT the need for this bill to protect the public by controlling the use of cell phones and text messaging while driving. I feel strongly that that drivers holding a valid amateur radio operator license issued by the Federal Communications Commission and using a half-duplex two-way amateur radio be permitted to operate their amateur radios while driving. Amateur radio operators play a major role in emergency communications in a disaster as Skywarn members assisting the National Weather Service with weather reports to relaying important messages during a disaster. Amateur radio operators play a major role in emergency communications "when all else fail" as when Iniki hit Kauai in 1992 and amateur radio was the major form of communications.

I also support this bill because it is similar to the City & County of Honolulu and in the County of Hawaii that is now in effect controlling the use of cell phones, text messaging and permitting the use of amateur radio operations for drivers holding a valid amateur radio operator license issued by the Federal Communications Commission.

Thank you for your support of amateur radio and two-way mobile radio communications.

Aloha, Clement Jung (KH7HO)

Testimony of Bart Aronoff *In Support* of HB 2602,
Relating to Highway Safety

House Committee on Transportation
February 3, 2010

Rep. Joseph M. Souki, Chair
Rep. Karen Leinani Awana, Vice Chair

I wish to testify in support of HB 2602, which would prohibit communication practices which have been shown to be dangerous, such as use of a handheld cell phone, texting, use of a PDA, and use of handheld electronic games while driving.

I strongly support the provisions of subsection (c) (3), which exempts use of a half-duplex two-way radio by a federally licensed amateur radio operator, or HAM.

HAMs play critical roles in support of emergency and disaster response, including location and reporting of lost hikers, reporting of disaster weather events, support of civilian authorities following power outages, hurricanes, earthquakes, and tsunamis, and logistical support of Red Cross and other shelters. Being able to install and operate mobile HAM radios is critical to these functions.

Recognition of the importance of these functions as well as the safety record of mobile HAM radio is implicit in this bill, and as a community volunteer for several emergency and disaster response organizations I appreciate this recognition.

Thank you for the opportunity to testify, and for all of the time and energy you legislators will be devoting to this long and critically important session.

awana1-Enoka

From: Ernest Murphy [ernestmurphyiii@gmail.com]
Sent: Saturday, January 30, 2010 12:40 AM
To: TRNtestimony
Cc: Rep. Gene Ward; Sen. Sam Slom
Subject: Testimony for HB 2602, Mobile Electronic Devices

Testimony of Ernest Murphy

House Committee on Transportation (TRN) Monday, February 3, 2010 9:00 am Capitol Conference Room 309 House Bill 2602, Mobile Electronic Devices
5 copies

As public testimony, the testimony will be part of the public record published on the web.

Chair Joseph Souki and members of the Committee on Transportation Testimony of Ernest Murphy
February 3, 2010, 9:00 am, Capitol Conference Room 309 House Bill 2602, Mobile Electronic Devices

My name is Ernest Murphy and I SUPPORT
legislation to regulate the use of cell phones in automobiles/cars/vehicles.

[However, it is crucial, for the health and safety of everyone in Hawaii, that the Legislature preserve the right of FCC-licensed amateur radio operators and commercial vehicle operators to use two-way mobile radios in their motor vehicles.

1. For commercial vehicle operators, these radios are still in widespread use. Unlike cell phones and other recently developed electronic devices, these radios allow all employees of a business's driving fleet to hear all communications between the business and individual employees. They also make it easy for the business to communicate with all of its mobile employees instantly. Such radios also are designed for safe use by drivers.

For these reasons, these radios are of tremendous economic value to many Hawaii businesses, and loss of that communication ability would be a major economic hardship for businesses that already are struggling to survive the worst economic downturn since the Great Depression, a downturn that is not going to go away anytime soon.

2. Amateur radio operators commonly maintain, at their own expense, mobile two-way radios in their privately owned vehicles. These operators, licensed by the federal government, receive training in emergency communications. When a civil emergency such as a hurricane destroys all other means of communication and shuts down the supply of electricity, these people remain on the air, because they are not dependent on electrical power mains.

When Hurricane Iniki devastated Kauai in 1992, it was these low-powered amateur radio transmitters that became the ONLY means of communication between Kauai and Oahu for some days.

In the case of both commercial operators and amateur radio operators, the radios they use in vehicles are designed for operation by a driver. They require no tuning or fiddling around with controls. The driver merely picks up a microphone, pushes a button on it, and talks. They are not a road hazard, and that is why they have been in use for many decades by radio amateurs, private businesses, marine and aircraft operators, government agencies and military organizations.

FCC-licensed amateur radio operators should not be confused with Citizen's Band, also called CB, radio operators. CB was a nationwide fad several decades ago and remains in use on the mainland, mostly by long-haul truck drivers. There is next to no CB radio operation going on in Hawaii these days. CB radio is notorious for anarchic on-the-air behavior because it is not licensed or otherwise regulated by any government agency. Amateur radio operators, on the other hand, are licensed by the Federal Communications Commission only after stringent testing, and they lose their licenses if they violate FCC operating rules. Providing an essential public service in the event of emergencies is one of the main reasons the federal government reserves substantial amounts of radio frequency spectrum for amateur use. Amateur radio operators receive emergency service training both from their own national organizations and from local government and medical agencies. In general, amateurs equip themselves to get on the air under any circumstances, with or without a reliable electrical supply. They are a vital public resource when every other means of communications fails. In an island environment like Hawaii, maintaining that resource is even more essential.

Thank you for your support of amateur radio and two-way commercial radio in Hawaii.

Ernest Murphy
Amateur radio license NH7L
Hawaii Kai

NH7L@arrl.net
(808) 382-9329

House Committee on Transportation Chair Joseph Souki and members of the Committee
Testimony of Ron Hashiro, Amateur Radio Operator AH6RH
HB 2602, Mobile Electronic Devices
February 3, 2010 9:00 am, Conference Room 309

My name is Ron Hashiro and I SUPPORT the intent of HB 2602 to regulate the use of cellular phones in vehicles and promote traffic safety.

I also STRONGLY SUPPORT the exemptions for two-way radio use by workers and amateur radio operators.

As testified at the Honolulu City Council, two-way radio operations are safe while driving because most of the time is spent listening or awaiting a radio call, and very little time is spent actually transmitting a message. To place a call, one picks up the microphone, presses a button, and speaks the message. There are no distractions caused by dialing, keyboarding, or reading a screen as with other means of wireless communications.

The safety factor is evidenced by the lack of any data or documents indicating that there are problems using two-way radios while driving.

Two-way radios Two-way radios are an important part of the workplace for a number of workers. Examples include:

- Private: Taxis, tour companies, utilities (electric, phone, gas), construction
- County: Water works, roads, public works
- State and Federal: Airport and Harbors operations, Highway, Public Works, Military, National Guard

These workers use their two-way radios safely with no adverse impact to the driving public. Retrofitting their vehicles with changes to the radio systems is an unnecessary cost in these times of economic challenge and the burden would only be passed on to the consumers and tax payers.

Amateur Radio In his written communications, former Honolulu Councilman Duke Bainum found the case for the public service performed by amateur radio operators "very compelling". He wrote:

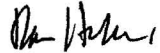
"I found the testifiers comment very compelling and in order to accommodate their service to the community I would support this exemption from the ban on the operation of mobile electronic devices while operating a motor vehicle."

Amateur radio operators, otherwise known as ham radio operators, provide a contingency radio service in times of emergencies. These radio operators created a radio and telephone link between Mayor of Kauai and the Governor during the peak of Hurricane Iniki when commercial telephone service was lost during the storm. What is

not well known is that the critical radio-telephone patch between the Mayor and the Governor conducted by key amateur radio operators was supplemented by additional amateur radio operators on Oahu simultaneously operating from their automobiles. Amateur operators continued to provide communications in support of the recovery from Hurricane Iniki from homes, offices, vehicles and even aircraft and helicopters.

Again, I ask for your support for the exemptions allowing for the use of two-way radios and amateur radio in vehicles.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Hashiro".

Ron Hashiro
Amateur Radio Operator AH6RH
Attachments

Written testimony of Wayne Greenleaf,
Operations Manager, Signature Cab Holdings, Inc. DBA TheCAB
House Committee on Transportation (TRN) Wednesday, February 3, 2010 9:00 am
Capitol Conference Room 309
House Bill 2602, Relating to Highway Safety

Chair Joseph Souki and members of the Committee on Transportation
Written testimony of Wayne Greenleaf,
Operations Manager, Signature Cab Holdings, Inc. DBA TheCAB
February 3, 2010, 9:00 am, Capitol Conference Room 309
House Bill 2602, Relating to Highway Safety

Aloha Chair and members of the Committee on Transportation,

My name is Wayne Greenleaf and I SUPPORT the intent and the need for this bill to promote traffic safety by controlling cell phone use and texting by drivers.

However, in the proposed bill SECTION 2. 291C- (c) (2):

(2) Drivers using two-way radios while in the performance
and scope of their work-related duties and who are
operating fleet vehicles or who possess a commercial
vehicle license; and

It is felt the wording "who possess a commercial vehicle license" is in need of clarification or definition within the bill. HRS 286-2 defines a commercial motor vehicle as:

"Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property:

(1) If the vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit(s) with a gross vehicle weight rating of more than 10,000 pounds;

(2) If the vehicle has a gross vehicle weight rating of 26,001 or more pounds;

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(3) If the vehicle is designed to transport sixteen or more occupants, including the driver; or

(4) If the vehicle, regardless of size, is used in the transportation of hazardous materials, as defined in this section.”

If this is what is to be applied then a small business operator using two-way radio communications or for example the 650 taxi's with our company using mounted computer aided dispatch and two-way radio communications tools could be impacted.

Thank you for your time and support of two-way mobile radio.

Wayne Greenleaf