Honolulu, Hawaii

Feb 16 , 2012

RE: H.B. No. 2355 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 2355 entitled:

"A BILL FOR AN ACT RELATING TO MOTOR VEHICLES,"

begs leave to report as follows:

The purpose of this measure is to increase motor vehicle safety by prohibiting text messaging while operating a motor vehicle.

The Honolulu Police Department and AT&T testified in support of this measure. The Department of Transportation testified in opposition to this measure. The Alliance of Automobile Manufacturers and General Motors, LLC, provided comments.

According to the National Highway Traffic Safety
Administration, distracted driving is a major contributor to
vehicular crashes and near misses, and distracted drivers are 50
percent more likely to be seriously injured or killed in their
crashes when compared to attentive drivers. In addition, data has
shown that 80 percent of all crashes and 65 percent of near
crashes involved some type of driver distraction. More sobering
is the fact that in 2008, 16 percent of the total traffic
fatalities in the United States accounting for some 5,870 deaths
nationwide, involved some type of driver distraction.

While actively text messaging while driving may lead to vehicular crashes, your Committee finds that simply using mobile electronic devices including cellular phones, personal digital assistants, laptop computers, paging devices, and other similar devices while operating a motor vehicle can be a major cause of distraction leading to a motor vehicle collision. Collisions due to the use of these types of devices could be avoided and personal injury and property damage eliminated if regulations existed to restrict their use while operating a motor vehicle.

As such, your Committee has amended this bill by deleting its contents and replacing it with language that:

- (1)Prohibits the use of electronic mobile devices by drivers and not just text messaging with a mobile telephone;
- Provides exceptions to this prohibition for the sole (2) purpose of making a "911" emergency communication;
- (3) Provides exemptions from the prohibition for certain drivers: and
- (4)Establishes a system of graduated penalties for mobile electronic device use violations.

Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2355, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2355, H.D. 1, and be referred to the Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Transportation,

OSEPH M. SOUKI, Chair

HB2355 HD1 HSCR TRN HMS 2012-2078

State of Hawaii House of Representatives The Twenty-sixth Legislature

H5CR463-12

Record of Votes of the Committee on Transportation

HB 2355	TRN, JUD	Date 2	-/13/12-	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. ICHIYAMA, Linda (VC)			<u>.</u>	
3. AQUINO, Henry J.C.				
4. CULLEN, Ty				
5. LEE, Marilyn B.				
6. LUKE, Sylvia				_
7. OKAMURA, Tom				
8. SAIKI, Scott K.	/			
9. TAKUMI, Roy M.				
10. YAMASHITA, Kyle T.				
11. FONTAINE, George R.	7			
12. JOHANSON, Aaron Ling				
TOTAL (12)	lo		_	(
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature;				
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