

STAND. COM. REP. NO.

2698

Honolulu, Hawaii

FEB 28 2014

RE: S.B. No. 2729  
S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2729, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MOBILE ELECTRONIC DEVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the mobile  
electronic devices law by:

- (1) Prohibiting the operation of a motor vehicle while using  
a mobile electronic device held in a person's hand for  
making or receiving a non-emergency call, texting, or  
receiving a text message;
- (2) Adding exemptions to the prohibition;
- (3) Amending the penalties for violations;
- (4) Deeming a violation to be a traffic infraction; and
- (5) Making the amendments effective retroactively to May 20,  
2013.

Your Committee received testimony in support of this measure  
from one individual. Your Committee received testimony in  
opposition to this measure from the Department of Transportation  
and Police Department of the City and County of Honolulu. Your  
Committee received comments on this measure from the Judiciary and



Department of the Prosecuting Attorney of the City and County of Honolulu.


Your Committee finds that after the passage of Act 74, Session Laws of Hawaii 2013, which enacted the mobile electronic devices law (codified as section 291C-137, Hawaii Revised Statutes), the Legislature received numerous complaints from the public about the vagueness and ambiguity of the law and the onerous burden on violators to make a court appearance. However, it was never the intent of the Legislature that violators be forced to appear in court rather than allowed to mail in the fine without a court appearance as allowed under chapter 291D, Hawaii Revised Statutes, relating to adjudication of traffic violations. Your Committee further finds that the existing law is fraught with traps for those who use mobile electronic devices in situations that are reasonably within the realm of safe driving. This measure clarifies the mobile electronic devices law.

Your Committee has amended this measure by:

- (1) Deleting from the mobile electronic devices law the exemption for drivers searching for current traffic conditions, accidents, or alternative routes;
- (2) Changing the effective date to upon approval; and
- (3) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2729, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2729, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



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CLAYTON HEE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 2729 SD1</b>	Committee Referral: <b>TIA, JDL</b>	Date: <b>2/25/14</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	<del>✓</del>		✓	
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les	✓			
SOLOMON, Malama				✓
SLOM, Sam				✓
<b>TOTAL</b>	<b>4</b>		<b>1</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes