
A BILL FOR AN ACT

RELATING TO THE USE OF MOBILE PHONES WHILE DRIVING.

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

1 SECTION 1. The legislature finds that over the span of a
2 decade, the cellular phone has gone from novelty to convenience
3 to a fixture of modern life. It is difficult to travel the
4 state and not meet someone who is using or carrying a cellular
5 phone. A great part of the allure of mobile phones,
6 particularly cellular phones, is the convenience of using a
7 phone nearly anywhere, including while driving.

8 The legislature also finds that driving with two hands on
9 the steering wheel and full attention to traffic and road
10 conditions increases driving safety. Mobile phone usage while
11 driving takes away from driving safety due to the need to use at
12 least one hand to program the phone to make a call, receive a
13 call, or any number of things. The legislature further finds
14 that as a result of the safety hazard posed by mobile phone use
15 when driving, mobile phone manufacturers have started to
16 manufacture devices that allow drivers to use their mobile
17 phones without the use of hands. The creation of these "hands-



1 free" devices have obviated the present need to legislatively
2 ban the use of mobile phones while driving.

3 The purpose of this Act is to allow mobile phone use while
4 operating a motor vehicle only when equipped with a hands-free
5 accessory.

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

9 "§291C- Mobile telephone use; prohibited. (a) No
10 driver shall use a mobile telephone while operating a moving
11 motor vehicle in the state unless the mobile telephone is
12 equipped with a hands-free accessory.

13 (b) No person shall use a mobile telephone, including
14 those with hands-free accessories, while operating a moving
15 school bus that is carrying passengers.

16 (c) The provisions of this section shall not apply to the
17 following:

18 (1) Emergency use of a mobile telephone, including calls
19 to the public safety answering point, as defined in
20 section 138-1, that receives incoming 911 calls, a
21 hospital, an ambulance service provider, a fire
22 department, or a law enforcement agency; or



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(2) Use of a mobile telephone by law enforcement or emergency personnel or by a driver of an authorized emergency vehicle, acting within the scope of official duties.

(d) Violation of this section shall be a violation, and courts shall impose a fine of not more than \$100 for each violation.

(e) For purposes of this section:

"Driver" means every person who drives or is in actual physical control of a vehicle, as defined in section 291C-1.

"Hands-free accessory" means an attachment, add-on, built-in feature, or addition to a mobile telephone, whether or not permanently installed in a motor vehicle, that when used, allows the driver to maintain both hands on the steering wheel.

"Mobile telephone" means a cellular, analog, satellite, wireless, or digital telephone capable of sending or receiving telephone messages without an access line for service.

"Use" means talking, typing text messages, placing or receiving a call, or attempting to place or receive a call, on a mobile telephone."

SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on September 1,
2 2006.

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INTRODUCED BY:

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JAN 11 2006



HB 1805

Report Title:

Mobile phones; safety

Description:

Prohibits the use of a mobile telephone while driving unless equipped with a hands-free accessory.

HB HMS 2005-4609

