

JAN 25 2006

A BILL FOR AN ACT

RELATING TO TRAFFIC VIOLATIONS.

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

1 SECTION 1. Section 291-12, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§291-12 Inattention to driving[-]; mobile telephones.**

4 (a) Whoever operates any vehicle without due care or in a
5 manner as to cause a collision with, or injury or damage to, as
6 the case may be, any person, vehicle or other property shall be
7 fined not more than \$500 or imprisoned not more than thirty
8 days, or both.

9 (b) Whoever operates a vehicle on a public highway while
10 utilizing a mobile telephone that is not equipped and being used
11 as a hands-free mobile telephone shall be fined not more than
12 \$ _____ ; provided that this subsection shall not apply to
13 utilizing a mobile telephone for a medical or safety emergency.

14 It shall be an affirmative defense that the person was
15 using a mobile telephone for the purpose of reporting a medical
16 or safety emergency or to obtain assistance for a medical or
17 safety emergency.

18 For purposes of this subsection:



1 "Hands-free mobile telephone" means a mobile telephone that
2 allows a user to utilize the mobile phone without requiring the
3 user to hold or manipulate the mobile telephone by hand.

4 "Mobile telephone" means a device used by persons to access
5 a two-way real time voice telecommunications service provided by
6 a commercial mobile radio service.

7 "Operates a vehicle" or "operates any vehicle" means the
8 person occupies and assumes physical control of the steering
9 mechanism of the vehicle while the engine or motor is running.

10 "Utilizing a mobile telephone" means initiating a telephone
11 call by dialing a telephone number, talking, listening,
12 receiving, or terminating a telephone call or configuring the
13 mobile telephone to standby and receive telephone calls."

14 SECTION 2. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun, before its effective date.

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

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SB2457

Report Title:

Inattention to Driving; Mobile Telephones

Description:

Prohibits drivers from utilizing mobile phones while driving unless the phone can be operated hands-free.

