

JAN 25 2006

S.B. NO. 2695

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[-]; cellular 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 using a cellular telephone, whether or not the usage is hands-
11 free, shall be fined not more than \$ _____ ; provided that
12 this subsection shall not apply to using a cellular telephone
13 for a medical or safety emergency.

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

18 For purposes of this subsection:



1 "Cellular telephone" means a type of short-wave analog or
2 digital telecommunication in which a subscriber has a wireless
3 connection from a mobile telephone to a relatively nearby
4 transmitter.

5 "Hands-free" means a feature that permits a driver to use a
6 cellular phone without lifting or holding the handset to the
7 driver's ear.

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

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

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

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 Statutory material to be repealed is bracketed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

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

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INTRODUCED BY: Shiranne Chun Oakland

SB. NO. 2695

Report Title:

Inattention to Driving; Cellular Telephones

Description:

Prohibits drivers from using cellular phones while operating a motor vehicle.

