
A BILL FOR AN ACT

RELATING TO STATEWIDE TRAFFIC CODE.

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

1 SECTION 1. According to the *New York Times*, some 158
2 billion mobile text messages were sent in the United States in
3 2006, an increase of almost two-fold from 2005. A study
4 conducted by the National Mutual Insurance Company was released
5 in 2007, finding that nineteen per cent of all drivers, and
6 thirty per cent of drivers between the ages of eighteen and
7 twenty-seven text message while driving. According to a study
8 from the Liberty Mutual Research Institute for Safety and
9 Students Against Destructive Decisions, teenagers say that
10 texting is their number one driving distraction.

11 A 2007 survey commissioned by the mobile messaging service
12 Pinger, Inc., and conducted by Harris Interactive(R), revealed
13 that nine out of ten or eighty-nine per cent of Americans
14 believe that sending text messages or emails while driving is
15 distracting, dangerous, and should be prohibited. The same
16 survey found that:



1 (1) Ninety per cent of drivers believe that sending text
2 messages or mobile email were as dangerous as drivers
3 who had two drinks before driving;

4 (2) Although the overwhelming majority of adults believe
5 driving while texting is dangerous, two in three
6 adults who drive a car and have used text say they
7 have read text messages or emails while they were
8 driving; and fifty-seven per cent admitted to sending
9 text messages or emails while driving.

10 The legislature finds that sending text messages or emails
11 while driving is a distraction. Texting and emailing while
12 driving necessarily means that the driver's full attention is
13 not dedicated to the road. Research in 2006 by the National
14 Highway Traffic Safety Administration found that nearly eight
15 per cent of crashes and sixty-five per cent of near-crashes
16 involved some form of driver inattention within three seconds
17 prior to impact.

18 The purpose of this Act is to prohibit sending text
19 messages and emails, or reading them, while driving.

20 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
21 amended by adding a new section to part XII to be appropriately
22 designated and to read as follows:



1 "§291C- Text messaging prohibited. (a) No person who,
2 while driving a motor vehicle, shall compose, send, or read a
3 text message on an electronic wireless communications device,
4 commonly known as a cellular phone or similar device.

5 (b) This section shall not apply to:

6 (1) Authorized emergency vehicles;

7 (2) Composing and sending a text message to report illegal
8 activity or to summon medical or other help in an
9 emergency situation;

10 (3) Sending or receiving emergency alert messages;

11 (4) Messages related to the operation of a motor vehicle
12 or an accessory component thereof; or

13 (5) Any global positioning or navigation system that is
14 permanently affixed to the motor vehicle."

15 SECTION 3. New statutory material is underscored.

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



Report Title:

Statewide Traffic Code; Texting Prohibited

Description:

Prohibits texting using electronic wireless communication device while driving; provides exemptions for authorized emergency vehicles, text messages to report illegal activity or to summon help in an emergency situation, emergency alert messages, messages related to the operation of a motor vehicle or an accessory component, global positioning or navigation systems permanently affixed to the vehicle. (SD1)

