
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 e-mails 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 e-mails were as dangerous as
3 drivers 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 e-mails while they were
8 driving; and fifty-seven per cent admitted to sending
9 text messages or e-mails while driving.

10 The legislature finds that sending text messages or e-mails
11 while driving is a distraction. Texting and e-mailing 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 e-mails, 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 messages and e-mails prohibited. (a) No
2 person shall compose, send, or read a text message or an e-mail
3 on an electronic wireless communications device, including a
4 cellular phone or similar device, while driving a motor vehicle.

5 (b) This section shall not apply to:

6 (1) Text messaging or e-mailing while driving an
7 authorized emergency vehicle;

8 (2) Text messaging or e-mailing to report illegal activity
9 or to summon medical or other help in an emergency
10 situation;

11 (3) Text messaging or e-mailing emergency alert messages;

12 (4) Text messages or e-mails related to the operation of a
13 motor vehicle or an accessory component thereof; or

14 (5) Text messaging or e-mailing through a global
15 positioning or navigation system that is permanently
16 affixed to the motor vehicle.

17 (b) No violation of this section shall be deemed to occur
18 unless the person is involved in a motor vehicle accident;
19 provided that if a citation is issued for a violation of this
20 section, it shall be presumed that the person was composing,
21 sending, or reading a text message or an e-mail while driving a



1 motor vehicle, and the burden of producing evidence sufficient
2 to rebut the presumption shall be placed on the person."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect on January 1, 2050.



Report Title:

Statewide Traffic Code; Text Messaging and E-mailing Prohibited

Description:

Prohibits text messaging or e-mailing using electronic wireless communication device while driving; provides exemptions for authorized emergency vehicles, 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. Provides that a violation occurs only if the driver is involved in an accident, and that the driver bears the burden of proving that the driver was not text messaging or e-mailing at the time of the accident (SD2)

