

JAN 18 2008

A BILL FOR AN ACT

RELATING TO TRAFFIC VIOLATIONS.

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

1 SECTION 1. The legislature finds it has become common
2 practice for people to use their wireless phones or other
3 devices to send pictures, text messages, and emails. In 2006,
4 it is estimated that the approximately 250,000,000 wireless
5 phone subscribers in the United States sent nearly
6 158,000,000,000 text messages.

7 Although it is not known how many of these messages were
8 sent or received by people who were operating motor vehicles, it
9 is clear that driving while text messaging - or texting - is a
10 growing phenomenon, particularly among younger drivers. Experts
11 believe seventy-three per cent of wireless phone subscribers use
12 their phones while driving. A Nationwide Insurance study
13 estimated that twenty per cent of all drivers send or receive
14 text messages, and sixty-six per cent of drivers between the
15 ages of eighteen and twenty-four confessed in a Zogby
16 International poll that they drive while texting.



1 In a recent briefing paper, the National Conference of
2 State Legislatures reports that driver inattention is a factor
3 in an estimated eighty per cent of motor vehicle crashes and
4 sixty-five per cent of near crashes. Each year, driver
5 distraction is a factor in as many as 4,900,000 accidents,
6 causing 34,000 fatalities, 2,100,000 injuries, and as much as
7 \$184,000,000,000 in economic loss.

8 The legislature further finds that while it is not clear
9 how many of those crashes involved texting or even wireless
10 phone use, several high-profile accidents have brought new focus
11 to the issue. A teenager who was texting while driving in
12 Colorado killed a bicyclist in 2005, and in June 2007, five
13 members of a high school cheerleading squad were killed in New
14 York when the young woman driving their vehicle lost control
15 while allegedly sending a text message.

16 Currently, two states specifically prohibit driving while
17 texting and at least four other states considered similar
18 provisions in 2007.

19 The purpose of the Act is to ensure greater safety on
20 Hawaii's streets, roads, and highways by prohibiting text
21 messaging while driving.



1 SECTION 2. Chapter 291, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§291- Text messaging while driving; prohibition. (a)

5 Except as provided in subsection (b), no person operating a
6 motor vehicle on a public street, road, or highway shall send,
7 read, or write a text message by means of an electronic wireless
8 communications device. A person does not send, read, or write a
9 text message when the person reads, selects, or enters a phone
10 number or name in a wireless communications device for the
11 purpose of making a phone call.

12 (b) This section does not apply to a person operating:

13 (1) An authorized emergency vehicle; or

14 (2) A moving motor vehicle while using an electronic
15 wireless communications device to:

16 (A) Report illegal activity;

17 (B) Summon medical or other emergency help;

18 (C) Prevent injury to a person or property; or

19 (D) Relay information between a transit or for-hire
20 operator and that operator's dispatcher, in which
21 the device is permanently affixed to the vehicle.



1 (c) Enforcement of this section by enforcement officers
2 may be accomplished only as a secondary action when a person
3 operating a motor vehicle has been detained for a suspected
4 violation of this title.

5 (d) As used in this section:


6 "Electronic wireless communications device" means any
7 device that provides to users the ability to send or receive
8 electronic communications, but excluding a voice-activated
9 global positioning or navigation system that is permanently
10 affixed to the vehicle.

11 "Emergency vehicle" shall have the same meaning as provided
12 in section 291-11.6.

13 (e) A person who violates this section shall be fined not
14 more than \$ _____ for each violation."

15 SECTION 3. New statutory material is underscored.

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

17
INTRODUCED BY: 



Report Title:

Traffic Violation; Text Messaging; Prohibition

Description:

Prohibits text messaging while driving; provides limited exceptions.

