
A BILL FOR AN ACT

RELATING TO THE USE OF MOBILE PHONES WHILE DRIVING.

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

1 SECTION 1. The legislature finds that over the span of a
2 decade, the cellular phone has gone from novelty to convenience
3 to a fixture of modern life. It is difficult to travel the
4 state and not meet someone who is using or carrying a cellular
5 phone. A great part of the allure of mobile phones,
6 particularly cellular phones, is the convenience of using a
7 phone nearly anywhere, including while driving.

8 The legislature also finds that driving with two hands on
9 the steering wheel and full attention to traffic and road
10 conditions increases driving safety. Mobile phone usage while
11 driving reduces driving safety due to the need to use at least
12 one hand to program the phone to make a call, receive a call, or
13 any number of things. The legislature further finds that as a
14 result of the safety hazard posed by mobile phone use when
15 driving, mobile phone manufacturers have started to produce
16 devices that allow drivers to use their mobile phones without
17 the use of their hands. These "hands-free" devices have



1 obviated the present need to legislatively ban all use of mobile
2 phones while driving.

3 The purpose of this Act is to allow mobile phone use while
4 operating a motor vehicle only when equipped with a hands-free
5 accessory.

6 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§291C- Mobile telephone use; prohibited. (a) No
10 driver shall use a mobile telephone while operating a moving
11 motor vehicle in the state unless the mobile telephone is
12 equipped with a hands-free accessory and the mobile telephone is
13 being used in the hands-free mode.

14 (b) No person shall use a mobile telephone, including
15 those with hands-free accessories, while operating a moving
16 school bus that is carrying passengers.

17 (c) No person shall use a mobile telephone, including
18 those with hands-free accessories, while operating a moving
19 transit vehicle.

20 (d) It shall be an affirmative defense to an alleged
21 violation of this section, that the person was using a mobile
22 telephone:



1 (1) For the purpose of reporting a medical or safety
2 emergency or to obtain assistance for a medical or
3 safety emergency; or

4 (2) In the scope of the person's duties as law enforcement
5 or emergency personnel, as a driver of an authorized
6 emergency vehicle, or as a properly licensed operaton
7 of a commercial vehicle.

8 (e) Violation of this section shall be a violation, and
9 courts shall impose a fine of not more than \$100 for each
10 violation.

11 (f) Notwithstanding any other law to the contrary, no
12 county shall enact ordinances or adopt any rule regulating the
13 use of mobile telephones by an operator of a motor vehicle that
14 is inconsistent with, or more restrictive than, the provisions
15 of this section. Any ordinances or rules regulating the use of
16 mobile telephones by an operator of a motor vehicle that are
17 enacted or adopted by a county that are inconsistent or more
18 restrictive than the provisions of this section shall be
19 declared void.

20 (g) Enforcement of this section by law enforcement
21 personnel may be accomplished only as a secondary action when a



1 driver of a motor vehicle has been detained for a suspected
2 violation of another traffic infraction.

3 (h) For the purposes of this section:

4 "Commercial vehicle" means a vehicle registered to a
5 business that has a gross vehicle weight rating of ten thousand
6 and one pounds or more.

7 "Hands-free accessory" means an attachment, add-on, built-
8 in feature, or addition to a mobile telephone, whether or not
9 permanently installed in a motor vehicle, that when used, allows
10 the driver to maintain both hands on the steering wheel.

11 "Mobile telephone" means a cellular, analog, satellite,
12 wireless, or digital telephone capable of sending or receiving
13 telephone messages without an access line for service.

14 "Transit vehicle" means every motor vehicle designed for
15 carrying more than ten passengers, other than a school bus or
16 taxicab, and used for the transportation of persons for
17 compensation.

18 "Use" means talking, typing text messages, placing or
19 receiving a call, or attempting to place or receive a call, on a
20 mobile telephone."

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1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect on upon its

3 approval.

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Report Title:

Mobile phones; safety

Description:

Prohibits the use of a mobile telephone while driving unless equipped with a hands-free accessory and being used in the hands-free mode. Exempts mobile radios. Prohibits transit drivers from using cellular phones whenever their vehicle is in motion.

