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# A BILL FOR AN ACT

RELATING TO MOBILE COMMUNICATIONS.

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

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

4           "§291C-           Mobile electronic devices; prohibitions. (a)

5 No person shall operate a motor vehicle while using a mobile  
6 electronic device.

7           (b) The use of a mobile electronic device for the sole  
8 purpose of making a "911" emergency communication shall be an  
9 affirmative defense to this section.

10           (c) The following persons shall be exempt from the  
11 provisions of subsection (a):

12           (1) Emergency responders using a mobile electronic device  
13 while in the performance and scope of their official  
14 duties;

15           (2) Drivers using two-way radios while in the performance  
16 and scope of their work-related duties; and



1       (3) Drivers holding a valid amateur radio operator license  
2           issued by the Federal Communications Commission and  
3           using a half-duplex two-way radio.

4       (d) As used in this section:

5       "Emergency responders" means any firefighters, emergency  
6 medical technicians, mobile intensive care technicians, civil  
7 defense workers, police officers and federal and state law  
8 enforcement officers.

9       "Mobile electronic device" means any handheld or other  
10 portable electronic equipment capable of providing:

11       (1) Wireless data communication between two or more  
12           persons; or

13       (2) Amusement, including but not limited to a cellular  
14           phone, text messaging device, paging device, personal  
15           digital assistant, laptop computer, video game, or  
16           digital photographic device;

17 provided that "mobile electronic device" does not include any  
18 audio equipment or any equipment installed in a motor vehicle  
19 for the purpose of providing navigation, emergency assistance to  
20 the operator of the motor vehicle, or video entertainment to the  
21 passengers in the rear seats of the motor vehicle.



1        "Operate" means to drive or assume actual physical control  
2 of a vehicle upon a public way, street, road, or highway in the  
3 State.

4        "Use or using" means holding a mobile electronic device  
5 while operating a motor vehicle."


6        SECTION 2. New statutory material is underscored.

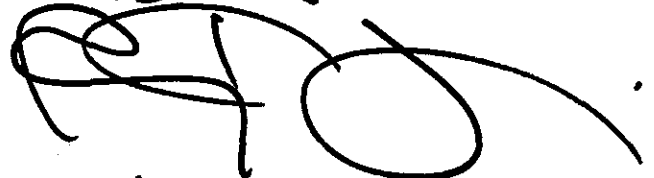
7        SECTION 3. This Act shall take effect upon its approval.


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INTRODUCED BY:



  
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**Report Title:**

Mobile Communications

**Description:**

Makes it unlawful to use a mobile communication device while operating a vehicle with exceptions for emergency responders, two-way radios used for work-related purposes, and licensed radio operators.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

