
A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1 SECTION 1. Distracted driving is a problem of national
2 concern. The legislature finds that the task of driving
3 requires the driver's full attention in focusing on the roadway
4 and driving maneuvers. Any distraction that diverts the
5 driver's attention from the primary tasks of maneuvering the
6 vehicle and responding to critical events increases the risk of
7 being involved in a motor vehicle crash. A distraction is
8 anything that takes the driver's eyes off the road (visual
9 distraction), the driver's mind off the road (cognitive
10 distraction), or the driver's hands off the wheel (manual
11 distraction). The use of electronic devices, such as cellular
12 phones, during the task of driving risks harm to the driver and
13 others in the vehicle or on the road.

14 New research findings by the National Highway Traffic
15 Safety Administration show that nearly six thousand people
16 (sixteen per cent of all fatal crashes) died in 2008 in crashes
17 involving a distracted or inattentive driver, and more than five
18 hundred thousand were injured. A survey has shown that on any



1 given day during 2008, more than eight hundred thousand vehicles
2 were driven by someone using a hand-held cellular phone.
3 Federal researchers have observed drivers of all ages using a
4 variety of hand-held devices while driving - cellular phones,
5 iPods, video games, Blackberrys, and GPS systems. In
6 particular, cellular phones used for talking and texting are
7 more prevalent on our nation's roadways. The Harvard Center of
8 Risk Analysis reports that cellular phone use contributes to an
9 estimated six per cent of all crashes. That equates to six
10 hundred thirty six thousand crashes, three hundred thirty
11 thousand injuries, twelve thousand serious injuries, and two
12 thousand six hundred deaths each year. The annual cost of
13 crashes caused by cellular phone use is estimated at
14 \$43,000,000,000. The Wireless Association reports that there
15 are more than two hundred seventy million cellular phone
16 subscribers and that eighty-one per cent of the public admitted
17 to talking on a cellular phone while driving.

18 In 2007, the Hawaii department of transportation showed
19 that, of the eight thousand seven hundred seventy collisions
20 that happened during that year, two thousand eight hundred
21 seventy one (thirty two per cent) were attributed to inattention
22 to driving. On September 8, 2009, the United States House of



1 Representatives introduced H.R. 3535, Avoiding Life-Endangering
2 and Reckless Texting by Drivers Act of 2009 (ALERT Drivers Act),
3 which was referred to the Committee on Transportation and
4 Infrastructure. This bill would require states to enact a law
5 prohibiting an operator of a moving motor vehicle from writing,
6 sending, or reading a text message using a hand-held mobile
7 cellular telephone and require the imposition of graduated
8 penalties each time this law is violated. The failure of any
9 state to enact such a bill would require the United States
10 Secretary of Transportation to withhold twenty-five per cent of
11 the state's highway construction fund each year (that equates to
12 \$40,000,000 in Hawaii) until a law is passed. This law would be
13 effective on October 1 of the second fiscal year beginning after
14 the date of the adoption of the regulations.

15 The purpose of this Act is to prohibit the use of mobile
16 electronic devices while operating a motor vehicle, with certain
17 exceptions, and to establish penalties for infraction.

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

21 "§291C- Mobile electronic devices. (a) No person shall
22 operate a motor vehicle while using a mobile electronic device.



1 (b) The use of a mobile electronic device for the sole
2 purpose of making a "911" emergency communication shall be an
3 affirmative defense to this law.

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

6 (1) Emergency responders using a mobile electronic device
7 while in the performance and scope of their official
8 duties;

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

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

14 (d) As used in this section:

15 "Emergency responders" include firefighters, emergency
16 medical technicians, mobile intensive care technicians, civil
17 defense workers, and police officers, including federal and
18 state law enforcement officers.

19 "Mobile electronic device" means any handheld or other
20 portable electronic equipment capable of providing wireless
21 audio, video, or data communication between two or more persons
22 or of providing amusement, including a cellular phone, text



1 messaging device, paging device, personal digital assistant,
2 laptop computer, video game, or any photographic device.
3 "Mobile electronic device" shall not include any equipment
4 installed in a motor vehicle for the purpose of providing audio,
5 navigation, emergency assistance to the operator of the motor
6 vehicle, or video entertainment to the passengers in the rear
7 seats of the motor vehicle.

8 "Operate" means the same as is defined in section 291E-1.

9 "Use" or "using" means handholding a mobile electronic
10 device while operating a motor vehicle.

11 (e) Every person who violates this section shall be
12 subject to the following penalties:

13 (1) For a first infraction, or any infraction not preceded
14 within one year by a prior violation of this section,
15 a fine of not less than \$100 and not more than \$200;

16 (2) For an infraction that occurs within one year of a
17 prior violation of this section, a fine of not less
18 than \$200 and not more than \$300 and the suspension of
19 the person's driver's license and privilege to operate
20 a vehicle for a period of thirty days; and

21 (3) Paragraph (1) notwithstanding, for an infraction that
22 occurs within two years of two prior violations of



1 this section, and for the fourth and each additional
2 infraction of this section, regardless of when
3 committed, a fine of not less than \$300 and not more
4 than \$500 and the suspension of the person's driver's
5 license and privilege to operate a vehicle for a
6 period of ninety days."

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun, before its effective date.

10 SECTION 4. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2010.



Report Title:

Highway; Safety; Distracted Driving; Motor Vehicle

Description:

Prohibits the use of mobile electronic devices. (HB2602 HD1)

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

