

JAN 23 2009

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# A BILL FOR AN ACT

RELATING TO TRAFFIC VIOLATIONS.

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

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

4           "§291-           Use of cellular telephones while driving  
5 prohibited; exceptions. (a) Except as provided in subsection  
6 (c), no person shall operate a motor vehicle on a public highway  
7 while using a cellular telephone, unless the cellular telephone  
8 is a hands-free device.

9           (b) Any person who violates this section shall:

10           (1) Be fined not more than \$           ; and

11           (2) Have the cellular telephone forfeited pursuant to  
12           chapter 712A.

13           (c) This section shall not apply to:

14           (1) The use of a cellular telephone to report a medical or  
15           public safety emergency, or to obtain assistance for a  
16           medical or public safety emergency; or



1       (2) The use of a cellular telephone by police officers,  
2           firefighters, or emergency services personnel, while  
3           in the performance of their official duties.

4       (d) For the purposes of this section, "hands-free device"  
5       means any device or accessory that permits a person to use a  
6       cellular telephone without lifting or holding the handset to the  
7       person's ear.

8       (e) The state director of finance shall transmit to each  
9       county, not more than thirty days after the end of each fiscal  
10       quarter, fifty per cent of all fines and forfeitures collected  
11       for convictions of persons charged with violations of this  
12       section that are committed in that county."

13       SECTION 2. This Act does not affect rights and duties that  
14       matured, penalties that were incurred, and proceedings that were  
15       begun, before its effective date.

16       SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: *Chaseak Mishra*



**Report Title:**

Vehicles; Cellular Telephones; Counties

**Description:**

Prohibits drivers from using cellular telephones while operating a motor vehicle unless it is a hands-free device or for emergency use. Provides for fines and forfeiture of cellular telephone. Distributes one-half of fines and forfeitures collected to the county where the offense occurs.

