

JAN 23 2009

A BILL FOR AN ACT

RELATING TO TRAFFIC VIOLATIONS.

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

1 SECTION 1. Section 291-12, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§291-12 Inattention to driving[-]; mobile telephones.**

4 (a) Whoever operates any vehicle without due care or in a
5 manner as to cause a collision with, or injury or damage to, as
6 the case may be, any person, vehicle or other property shall be
7 fined not more than \$500 or imprisoned not more than thirty
8 days, or both, and may be subject to a surcharge of up to \$100
9 which shall be deposited into the trauma system special fund.

10 (b) Whoever operates a vehicle on a public highway while
11 using a mobile telephone that is not equipped and being used as
12 a hands-free mobile telephone shall be fined not more than
13 \$ _____ ; provided that this subsection shall not apply to
14 using a mobile telephone for a medical or safety emergency. It
15 shall be an affirmative defense that the person was using a
16 mobile telephone for the purpose of reporting a medical or



1 safety emergency or to obtain assistance for a medical or safety
2 emergency.

3 For purposes of this subsection:

4 "Hands-free mobile telephone" means a mobile telephone that
5 allows a user to operate the mobile phone without requiring the
6 user to hold or manipulate the mobile telephone by hand.

7 "Mobile telephone" means a device used by persons to access
8 a two-way real time voice telecommunications service provided by
9 a commercial mobile radio service, as defined in Title 47 Code
10 of Federal Regulations section 20.3 as in effect on June 1,
11 1999.

12 "Operates a vehicle" means the person occupies and assumes
13 physical control of the steering mechanism of the vehicle while
14 the engine or motor is running.

15 "Using a mobile telephone" means:

16 (1) Initiating a telephone call by dialing a telephone
17 number;

18 (2) Talking, listening, receiving, or terminating a
19 telephone call; or

20 (3) Configuring the mobile telephone to standby and
21 receive telephone calls."



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

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.
7

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Report Title:

Inattention to Driving; Mobile Telephone; Cell Phones

Description:

Prohibits drivers from using mobile telephones while driving unless the telephone can be operated hands-free.

