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# A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

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

1           SECTION 1. The legislature finds that cellular phone use  
2 while driving impairs a driver's ability to react to driving  
3 situations as much as consuming alcohol. Part of this  
4 impairment is due to the need to look at the cellular phone  
5 while dialing out a number.

6           The legislature also finds that drivers have also taken to  
7 using their cellular phones and other electronic wireless  
8 communications devices, such as Blackberrys, to engage in other  
9 activities while driving, such as text messaging, corresponding  
10 by e-mail, or playing video games. These activities, although  
11 harmless while sitting at a desk or in the comfort of one's own  
12 home, represent a potentially fatal risk to other drivers and  
13 pedestrians as exemplified by a recent train wreck on the  
14 mainland caused by inattention due to texting while driving.

15           The purpose of this Act is to prohibit the use of cellular  
16 phones and electronic wireless communications devices while  
17 operating a vehicle, with certain exceptions, and to  
18 specifically prohibit activities such as texting, instant



1 messaging, gaming, and e-mailing, activities that take the eyes  
2 off the road and the hands off of the steering wheel, while  
3 operating a motor vehicle

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

7 **"§291C-A Mobile telephone use and electronic wireless**  
8 **communications device use prohibited.** (a) No person shall use  
9 a mobile telephone while operating a moving motor vehicle in the  
10 State unless the mobile telephone is equipped with a hands-free  
11 accessory

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

15 (c) No person shall use an electronic wireless  
16 communications device, other than a voice-activated global  
17 positioning or navigation system, while operating a motor  
18 vehicle in the State

19 (d) The provisions of this section shall not apply to the  
20 following

21 (1) Emergency use of a mobile telephone or electronic  
22 wireless communications device, including calls



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1                   to 911, a hospital, an ambulance service  
2                   provider, a fire department, or a law enforcement  
3                   agency;

4                   (2) Use of a mobile telephone or electronic wireless  
5                   communications device by law enforcement or  
6                   emergency personnel or by a driver of an  
7                   authorized emergency vehicle, acting within the  
8                   scope of official duties; or

9                   (3) Initiating or terminating a telephone call, or  
10                   turning the telephone or electronic wireless  
11                   communications device on or off.

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

15                   For purposes of this section:

16                   "Electronic wireless communications device" means any  
17 device that provides to users the ability to send or receive  
18 electronic communications, but excluding a voice-activated  
19 global positioning or navigation system that is affixed to the  
20 vehicle.

21                   "Hands-free accessory" means an attachment, add-on, built-  
22 in feature, or addition to a mobile telephone, whether or not



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1 permanently installed in a motor vehicle, that when used, allows  
2 the vehicle operator to maintain both hands on the steering  
3 wheel.

4 "Mobile telephone" means a cellular, analog, wireless, or  
5 digital telephone capable of sending or receiving telephone  
6 messages without an access line for service.

7 "Use" means talking, placing, or receiving a call, or  
8 attempting to place or receive a call, or sending, reading, or  
9 writing a text message, instant message, or electronic mail, or  
10 playing a video game on an electronic wireless communication  
11 device or a mobile telephone.

12 "Video game" means any game that may be played by use of a  
13 mobile telephone or electronic wireless communications device."

14 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: *Barbara Manamoto*

JAN 21 2009



**Report Title:**

Cellular phones; prohibit texting, gaming, non-hands free use

**Description:**

Prohibits the use of mobile telephones without hands free accessories while operating a motor vehicle. Prohibits the use of electronic wireless communication devices while operating a motor vehicle. Prohibits text messaging, gaming, and e-mailing while operating a motor vehicle. Sets forth exemptions.

