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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 who are  
17 operating fleet vehicles or who possess a commercial  
18 vehicle license; 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) Every person who violates this section shall be  
5       subject to the following:

6       (1) For a first infraction, or any infraction not preceded  
7       within one year by a prior violation of this section,  
8       a fine of at least \$100 but less than \$200;

9       (2) For an infraction that occurs within one year of a  
10       prior violation of this section, a fine of at least  
11       \$200 but less than \$300 and the suspension of the  
12       person's driver's license and privilege to operate a  
13       vehicle for a period of 30 days; and

14       (3) For an infraction that occurs within two years of two  
15       prior violations of this section, and for the fourth  
16       and each additional violation of this section,  
17       regardless of when the violation occurred, a fine of  
18       at least \$300 but less than or equal to \$500 and the  
19       suspension of the person's driver's license and  
20       privilege to operate a vehicle for a period of 90  
21       days.

22       (e) As used in this section:



1       "Emergency responders" means any firefighters, emergency  
2 medical technicians, mobile intensive care technicians, civil  
3 defense workers, police officers, and federal and state law  
4 enforcement officers.

5       "Mobile electronic device" means any handheld or other  
6 portable electronic equipment capable of providing:

7       (1) Wireless audio, video, or data communication between  
8       two or more persons; or

9       (2) Amusement, including a cellular phone, text messaging  
10       device, paging device, personal digital assistant,  
11       laptop computer, video game, or digital photographic  
12       device;

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

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

21       "Use or using" means holding a mobile electronic device  
22 while operating a motor vehicle."



- 1 SECTION 2. New statutory material is underscored.
- 2 SECTION 3. This Act shall take effect on July 1, 2010.



**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. Provides penalties. Effective July 1, 2010.  
(HB2225 HD1)

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

