
A BILL FOR AN ACT

RELATING TO CELLULAR PHONE SAFETY.

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-A Mobile telephone use and electronic wireless
5 communications device use; prohibited. (a) No person shall use
6 a mobile telephone while operating a moving motor vehicle in the
7 State unless the mobile telephone is equipped with a hands-free
8 accessory.

9 (b) No person shall use a mobile telephone, including
10 those with hands-free accessories, while operating a moving
11 school bus that is carrying passengers.

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

16 (d) The provisions of this section shall not apply to the
17 following:



1 (1) Emergency use of a mobile telephone or electronic
2 wireless communications device, including calls
3 to 911, a hospital, an ambulance service
4 provider, a fire department, or a law enforcement
5 agency;

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

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

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

17 For purposes of this section:

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



1 "Hands-free accessory" means an attachment, add-on, built-
2 in feature, or addition to a mobile telephone, whether or not
3 permanently installed in a motor vehicle, that when used, allows
4 the vehicle operator to maintain both hands on the steering
5 wheel.

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

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

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

16 SECTION 2. New statutory material is underscored.

17 SECTION 3. This Act shall take effect upon its approval.

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Report Title:

Safety; cellular phones

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. Sets forth exemptions.

