
A BILL FOR AN ACT

RELATING TO THE USE OF MOBILE PHONES WHILE DRIVING.

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

1 SECTION 1. The legislature finds that over the span of a
2 decade, the cellular phone has gone from novelty to convenience
3 to a fixture of modern life. It is difficult to travel the
4 state and not meet someone who is using or carrying a cellular
5 phone. A great part of the allure of mobile phones,
6 particularly cellular phones, is the convenience of using a
7 phone nearly anywhere, including while driving.

8 The legislature also finds that driving with two hands on
9 the steering wheel and full attention to traffic and road
10 conditions increases driving safety. Using a mobile phone for
11 text messaging (sending electronic messages via a mobile phone)
12 while driving reduces driving safety due to the need to use one,
13 or both, hands to type a message into a cellular device, send
14 the message, or receive a message. Because of the safety hazard
15 posed by using mobile phones to send or receive text messages
16 when driving, the legislature finds that use of this device for
17 this purpose while driving should be prohibited.



1 The purpose of this Act is to prohibit the use of mobile
2 phones for sending or receiving text messages while operating a
3 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- Mobile telephone use; text messaging prohibited.

8 (a) No driver shall use a mobile telephone while operating a
9 moving motor vehicle to write, send, or read a text-based
10 communication.

11 (b) It shall be an affirmative defense to an alleged
12 violation of this section, that the person was using a mobile
13 telephone:

14 (1) To report a medical or safety emergency or to obtain
15 assistance for a medical or safety emergency; or

16 (2) In the scope of the person's duties as law enforcement
17 or emergency personnel, as a driver of an authorized
18 emergency vehicle, or as a properly licensed operator
19 of a commercial vehicle.

20 (c) Violation of this section shall be a violation, and
21 courts shall impose a fine of not more than \$100 for each
22 violation.



1 (d) Notwithstanding any other law to the contrary, no
2 county shall enact ordinances or adopt any rule regulating the
3 use of mobile telephones by an operator of a motor vehicle that
4 is inconsistent with, or more restrictive than, the provisions
5 of this section. Any ordinances or rules regulating the use of
6 mobile telephones by an operator of a motor vehicle that are
7 enacted or adopted by a county that are inconsistent or more
8 restrictive than the provisions of this section are void.

9 (e) This section may only be enforced as a secondary
10 action when a driver of a motor vehicle has been detained for a
11 suspected violation of another traffic infraction.

12 (f) For the purposes of this section:

13 "Commercial vehicle" means a vehicle registered to a
14 business that has a gross vehicle weight rating of ten thousand
15 and one pounds or more.

16 "Mobile telephone" means a cellular, analog, satellite,
17 wireless, or digital telephone capable of sending or receiving
18 telephone messages without an access line for service.

19 "Write, send, or read a text-based communication" means
20 using an electronic wireless communications device to manually
21 communicate with any person using text-based communication,



1 including communications referred to as text messaging, instant
2 messaging, and electronic mail."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect on upon its
5 approval.

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Report Title:

Mobile phones; text messaging; safety

Description:

Prohibits text messaging while driving.

