

JAN 26 2009

A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1 SECTION 1. Section 286-102.6, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The provisional license shall entitle the provisional
4 licensee to drive the class of motor vehicles specified in
5 subsection (a) upon the roadways of the State; provided that:

6 (1) The provisional licensee shall have the provisional
7 license in the provisional licensee's immediate
8 possession while driving;

9 (2) All occupants of the motor vehicle shall be restrained
10 by safety belts or a child passenger restraint system
11 as required under sections 291-11.5 and 291-11.6;

12 (3) The provisional licensee shall not transport more than
13 one person under the age of eighteen, unless the
14 person is, with respect to the provisional licensee:

15 (A) A household member; or

16 (B) A household member's foster or hanai child,



1 without being accompanied and supervised by a licensed
2 driver who is the provisional licensee's parent or
3 guardian; [~~and~~]

4 (4) Except as provided in subsection (c), whenever the
5 provisional licensee is driving between the hours of
6 11:00 p.m. and 5:00 a.m., a licensed driver who is the
7 provisional licensee's parent or guardian and is
8 licensed to operate the same category of motor vehicle
9 as the licensee, shall be in the motor vehicle and
10 shall occupy the passenger seat beside the
11 licensee[-]; and

12 (5) A provisional licensee who is under the age of
13 eighteen shall not operate a motor vehicle while
14 engaging in various tasks not associated with
15 operating a motor vehicle, including but not limited
16 to the following:

17 (A) Using a wireless telephone, including a wireless
18 telephone equipped with a hands-free device, or
19 any other electronic device including, but not
20 limited to, portable video games, portable DVD
21 players, text messengers, Palms, Treos, or
22 Blackberries;



- 1 (B) Consuming food or beverages;
- 2 (C) Engaging in personal grooming that requires the
3 use of a comb, brush, or other personal grooming
4 device; or
- 5 (D) Attempting to reach for any other object or
6 device not related to or necessary for driving."

7 SECTION 2. Section 286-110, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§286-110 Instruction permits.** (a) Any person aged
10 fifteen years and six months or more who, except for the
11 person's lack of instruction in operating a motor vehicle, would
12 be qualified to obtain a driver's license issued under this part
13 may apply for a temporary instruction permit at the office of
14 the examiner of drivers in the county in which the applicant
15 resides; provided that the applicant complies with section 286-
16 102.5.

17 (b) The examiner of drivers shall examine every applicant
18 for an instruction permit. The examination shall include tests
19 of the applicant's:

20 (1) Eyesight and other physical or mental capabilities to
21 determine if the applicant is capable of operating a
22 motor vehicle;



1 (2) Understanding of highway signs regulating, warning,
2 and directing traffic; and

3 (3) Knowledge of the traffic laws, ordinances, or
4 regulations of the State and the county where the
5 applicant resides or intends to operate a motor
6 vehicle.

7 (c) If the examiner of drivers is satisfied that the
8 applicant is qualified to receive an instruction permit, the
9 examiner of drivers shall issue the permit entitling the
10 applicant, while having the permit in the applicant's immediate
11 possession, to drive a motor vehicle upon the highways for a
12 period of one year; provided that an applicant who is registered
13 in a driver training course shall be issued a temporary
14 instruction permit for the duration of the course and the
15 termination date of the course shall be entered on the permit.

16 A person who is not licensed to operate the category of motor
17 vehicles to which the driving training course applies shall not
18 operate a motor vehicle in connection with the driving training
19 course without a valid temporary instruction permit.

20 (d) Except when operating a motor scooter or motorcycle,
21 the holder of an instruction permit shall be accompanied by a
22 person who is twenty-one years of age or older and licensed to



1 operate the category of motor vehicles in which the motor
2 vehicle that is being operated belongs. The licensed person
3 shall occupy a passenger seat beside the permit holder while the
4 motor vehicle is being operated; provided that if the holder of
5 the instruction permit is under the age of eighteen years and is
6 driving between the hours of 11:00 p.m. and 5:00 a.m.:

7 (1) A licensed driver who is the permit holder's parent or
8 guardian shall occupy a passenger seat beside the
9 driver while the motor vehicle is operated, unless the
10 permit holder is an emancipated minor;

11 (2) The licensed driver shall be licensed to operate the
12 same category of motor vehicles as the motor vehicle
13 being operated by the holder of the instruction
14 permit; and

15 (3) All occupants of the motor vehicle shall be restrained
16 by a seat belt assembly or a child passenger safety
17 restraint system as required under sections 291-11.5
18 and 291-11.6, notwithstanding any other law to the
19 contrary.

20 (e) A holder of a temporary instruction permit age fifteen
21 years and six months or older, but under the age of eighteen
22 shall not operate a motor vehicle while engaging in various



1 tasks not associated with operating a motor vehicle, including
2 but not limited to the following:

3 (A) Using a wireless telephone, including a wireless
4 telephone equipped with a hands-free device, or any
5 other electronic devices including, but not limited
6 to, portable video games, portable DVD players, text
7 messengers, Palms, Treos, or Blackberries;

8 (B) Consuming food or beverages;

9 (C) Engaging in personal grooming that requires the use of
10 a comb, brush, or other personal grooming device; or

11 (D) Attempting to reach for any other object or device not
12 related to or necessary for driving.

13 [~~e~~] (f) No holder of a temporary instruction permit
14 shall operate a motorcycle or a motor scooter during hours of
15 darkness or carry any passengers.

16 [~~f~~] (g) No holder of a category 1 or 2 temporary
17 instruction permit shall have the permit renewed, nor shall the
18 holder be issued another temporary instruction permit for the
19 same purpose, unless the holder has taken the examination for a
20 category 1 or 2 license at least once prior to the expiration of
21 the temporary instruction permit. If the holder of a temporary
22 instruction permit fails to meet the requirements of this



1 section, the holder shall not be permitted to apply for another
2 category 1 or 2 temporary instruction permit for a period of
3 three months. Nothing in this subsection shall affect the right
4 and privilege of any holder of a category 1 or 2 temporary
5 instruction permit to obtain a temporary instruction permit or
6 driver's license for the operation of any other type of motor
7 vehicle.

8 ~~[(g)]~~ (h) The examiner of drivers may accept an
9 application for renewal of an instruction permit no more than
10 thirty days prior to or ninety days after the expiration date of
11 the instruction permit, whereupon the applicant for renewal of
12 an instruction permit shall be exempt from subsection (b) (2) and
13 (3). If an application for renewal of an instruction permit is
14 not made within ninety days after the expiration date of the
15 permit, the applicant shall be treated as applying for a new
16 instruction permit and examined in accordance with subsection
17 (b).

18 ~~[(h)]~~ (i) Notwithstanding any other law to the contrary,
19 the examiner of drivers may issue an instruction permit to an
20 applicant with a disability who has completed a medical review
21 with this State, and as a condition to licensure is required to
22 pass a road test, but has failed the road test on the



1 applicant's first attempt. The instruction permit issued under
 2 this subsection may be renewed no more than thirty days prior to
 3 or ninety days after the expiration date of the instruction
 4 permit upon receiving an updated medical report. [Subsections]
 5 Subsection (b) (2) and (3) shall not apply to the issuance or
 6 renewal of an instruction permit issued under this subsection.

7 For the purposes of this subsection, "applicant with a
 8 disability" means an applicant who the examiner of drivers has
 9 reasonable cause to believe may have a mental or physical
 10 infirmity or disability that would make it unsafe to operate a
 11 motor vehicle pursuant to section 286-119 and has been medically
 12 evaluated by the medical advisory board established pursuant to
 13 section 286-4.1."

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

17 SECTION 4. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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D. J. J.



Report Title:

Highway; Safety; Distracted Driving; Motor Vehicle

Description:

Prohibits persons aged fifteen years and six months but less than eighteen years of age from engaging in various tasks that distract from the primary task of driving such as, the use of all cell phones (including hands-free devices) and all other electronic devices, consuming food or beverages, engaging in personal grooming or attempting to reach for any other object or device, while operating a motor vehicle under either a temporary instruction permit or a provisional license.

