
A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1 SECTION 1. Driving safety increases when drivers operate
2 their vehicles with two hands on the steering wheel while giving
3 their full attention to traffic and road conditions. While
4 mobile phone use has become an everyday convenience for many,
5 their use while driving reduces driving safety due to the need
6 to use at least one hand to program the phone to make a call,
7 receive a call, or perform any number of things. As a result of
8 the safety hazard posed by mobile phone use when driving, mobile
9 phone manufacturers have started to produce devices that allow
10 drivers to use their mobile phones without the use of their
11 hands. These "hands-free" devices have obviated the present
12 need to legislatively ban the use of mobile phones while
13 driving.

14 However, the legislature also finds that the use of mobile
15 phones while driving is not the only activity that distracts
16 drivers from focusing on the operation of their vehicles. Other
17 electronic devices such as portable video games, portable DVD



1 players, and text messaging devices have recently made headlines
2 because drivers were using these devices while driving. Even
3 activities such as eating and drinking or grooming oneself while
4 driving have been reported to distract drivers from focusing on
5 their primary responsibility of driving. To increase traffic
6 safety, these activities need to be prohibited while operating a
7 motor vehicle on Hawaii's roadways.

8 The purpose of this Act is to prohibit the following
9 activities while operating a motor vehicle:

- 10 (1) The use of a mobile phone except when a mobile phone
11 is equipped with a hands-free accessory and used in
12 the hands-free mode;
- 13 (2) The use of other hand-held electronic devices;
- 14 (3) Consuming food or beverages;
- 15 (4) Engaging in personal grooming that requires the use of
16 a comb, brush, or other personal grooming device; and
- 17 (5) Attempting to reach for any other object or device not
18 related to or necessary for driving.

19 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§291C- Activities prohibited while operating a motor
2 vehicle. (a) No driver shall use a mobile telephone or other
3 electronic device while operating a moving motor vehicle in the
4 state; provided that, except as otherwise provided in subsection
5 (b), a mobile telephone may be used while operating a motor
6 vehicle if it is equipped with a hands-free accessory and the
7 mobile telephone is being used in the hands-free mode.

8 (b) No driver shall use a mobile telephone, including
9 those with hands-free accessories, or other electronic device
10 while operating:

11 (1) A moving school bus that is carrying passengers; or

12 (2) A moving transit vehicle.

13 (c) It shall be an affirmative defense to an alleged
14 violation of this section that the person was using the mobile
15 telephone:

16 (1) For the purpose of reporting or obtaining assistance
17 for a medical or safety emergency; or

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



- 1 (d) No driver, while operating a motor vehicle, shall:
- 2 (1) Consume food or beverages;
- 3 (2) Engage in personal grooming that requires the use of a
- 4 comb, brush, or other personal grooming device; or
- 5 (3) Engage in an activity that requires the driver to
- 6 reach for any object or device not related to, or
- 7 necessary for, driving.
- 8 (e) Violation of this section shall be subject to a fine
- 9 of not more than \$100.
- 10 (f) Notwithstanding any other law to the contrary, no
- 11 county shall enact an ordinance or adopt a rule regulating the
- 12 use of a mobile telephone or other electronic device by an
- 13 operator of a motor vehicle that is inconsistent with or more
- 14 restrictive than the provisions of this section. Any county
- 15 ordinance or rule that is inconsistent with or more restrictive
- 16 than the provisions of this section shall be void.
- 17 (g) Enforcement of this section by law enforcement
- 18 personnel may be accomplished only as a secondary action when a
- 19 driver or operator of a motor vehicle has been detained for a
- 20 suspected violation of another traffic infraction.
- 21 (h) As used in this section:

1 "Commercial vehicle" means a vehicle registered to a
2 business that has a gross vehicle weight rating of ten thousand
3 and one pounds or more.

4 "Electronic device" means handheld electronic video games,
5 music players, personal digital assistants, or any other device
6 requiring the use of a battery and at least one hand to operate
7 the device.

8 "Hands-free accessory" means an attachment, add-on, built-
9 in feature, or addition to a mobile telephone, whether or not
10 permanently installed in a motor vehicle, that when used, allows
11 the driver to maintain both hands on the steering wheel.

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

15 "Transit vehicle" means every motor vehicle designed to
16 carry more than ten passengers, other than a school bus or
17 taxicab, and used for the transportation of persons for
18 compensation."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun, before its effective date.



1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect on July 1, 2050.



S.B. NO. 1054
S.D. 2
H.D. 1

Report Title:

Highway; Safety; Distracted Driving; Motor Vehicle

Description:

Prohibits drivers from engaging in various tasks that distract from the primary task of driving such as, the use of cell phones 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.

Effective 7/1/2050 (SB1054 HD1)

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