

JAN 21 2009

A BILL FOR AN ACT

RELATING TO TRAFFIC VIOLATIONS.

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

1 SECTION 1. Chapter 291, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§291- Use of cellular telephones while driving
5 prohibited; exceptions. (a) Except as provided in subsection
6 (c), no person shall operate a motor vehicle on a public highway
7 while using a cellular telephone, unless the cellular telephone
8 is a hands-free device.

9 (b) Any person who violates this section shall be fined
10 not more than \$ _____.

11 (c) This section shall not apply to:

12 (1) The use of a cellular telephone to report a medical or
13 public safety emergency, or to obtain assistance for a
14 medical or public safety emergency; or

15 (2) The use of a cellular telephone by police officers,
16 firefighters, or emergency services personnel, while
17 in the performance of their official duties.



1 (d) For the purposes of this section, "hands-free device"
2 means any device or accessory that permits a person to use a
3 cellular telephone without lifting or holding the handset to the
4 person's ear."

5 SECTION 2. Chapter 291, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§291- **Text-based communication while driving;**
9 prohibited. (a) Except as provided in subsection (c), no
10 person shall operate a motor vehicle on a public highway while
11 using an electronic wireless communications device to write,
12 send, or read a text-based communication.

13 (b) Any person who violates this section shall be fined
14 not more than \$.

15 (c) This section shall not apply to police officers,
16 firefighters, or emergency services personnel who use an
17 electronic wireless communications device while in the
18 performance of their official duties.

19 (d) For the purposes of this section, "write, send, or
20 read a text-based communication" means using an electronic
21 wireless communications device to manually communicate with any
22 person using a text-based communication, including, but not



1 limited to, communications referred to as a text message,
2 instant message, or electronic mail."

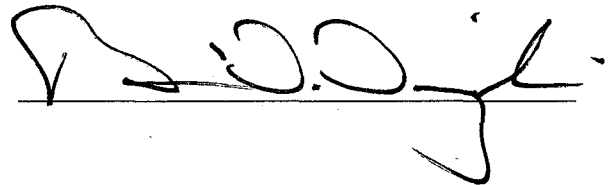
3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun, before its effective date.

6 SECTION 4. New statutory material is underscored.

7 SECTION 5. This Act shall take effect on July 1, 2009.

8

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "R. C. O'Connell", is written over a horizontal line. The signature is stylized and cursive.

Report Title:

Vehicles; Cellular Telephones; Text Messages

Description:

Prohibits drivers from using cellular telephones while operating a motor vehicle unless it is a hands-free device or for emergency use. Prohibits drivers from writing, sending, or reading text messages while operating a motor vehicle.

