

JAN 23 2009

A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1 SECTION 1. The legislature finds that holding a cellular
2 or mobile telephone while driving leaves the driver with only
3 one hand available to operate the vehicle. The driver cannot
4 activate turn signals or lights, or if the vehicle has a manual
5 transmission, change gears due to traffic conditions, without
6 releasing the steering wheel. In addition, sending or reading
7 text or email messages while operating a moving vehicle is
8 extremely hazardous to the driver of the vehicle, other
9 motorists, and pedestrians.

10 The legislature further finds that drivers have safer
11 alternatives, either through the use of hands-free devices that
12 leave both hands free to operate the vehicle, or if these are
13 not available to the driver, by pulling to the side of the road
14 to use the cellular or mobile telephone.

15 The purpose of this Act is to prohibit a person, while
16 operating a motorized vehicle, from:



- 1 (1) Using a cellular or mobile telephone, unless the
- 2 telephone is used with a hands-free device or being
- 3 used for emergency purposes; or
- 4 (2) Transmitting or reading a text or email message.

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- Use of a cellular or mobile telephone, text
 9 message device, or email message device while operating a motor

10 vehicle. (a) A person shall not use a cellular or mobile
 11 telephone while operating a motor vehicle unless the telephone
 12 is specifically designed and configured to allow hands-free
 13 listening and talking, and is used in that manner while driving.

14 (b) A person shall not operate a motor vehicle while using
 15 a communication device to transmit or read text or email
 16 messages.

17 (c) A person violating this section shall be fined:

- 18 (1) \$100 for first offense;
- 19 (2) \$300 for second offense;
- 20 (3) \$500 for third offense;
- 21 (4) \$1,000 for a fourth offense; and
- 22 (5) \$5,000 for a fifth or subsequent offense.

- 1 (d) This section shall not apply to:
- 2 (1) A person using a cellular or mobile telephone for
- 3 emergency purposes to a law enforcement agency, health
- 4 care provider, fire department, or other emergency
- 5 services agency or entity; provided that the emergency
- 6 call shall be verified by the person's telephone
- 7 records; or
- 8 (2) An emergency services professional using a cellular or
- 9 mobile telephone while operating an emergency vehicle,
- 10 as defined in section 291-11.6, in the course and
- 11 scope of the emergency services professional's
- 12 duties."

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Mike Hubbard*

Robert Jones

Will Egan

[Signature]

[Signature]

Report Title:

Highway Safety; Cell, Mobile Phone, Text and Email Message
Device Prohibitions

Description:

Prohibits, while operating a motorized vehicle, the use of a cellular or mobile telephone unless the telephone is used with a hands-free device, or transmittal or reading of a text or email message; provides exemptions for emergency use of cellular or mobile telephones; establishes fines.

