
A BILL FOR AN ACT

RELATING TO OPERATION OF MOTOR VEHICLES.

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- Using a handheld wireless communication device
5 for text messaging communication while operating a motor
6 vehicle. (a) No person shall use a handheld wireless
7 communication device for text messaging or electronic mail
8 communication, or otherwise accessing the Internet while
9 operating a motor vehicle upon any public street, road, or
10 highway.

11 (b) Subsection (a) shall not prohibit a person from using
12 a handheld wireless communication device while operating a motor
13 vehicle:

14 (1) During a medical emergency;

15 (2) When reporting a safety hazard or requesting
16 assistance relating to a safety hazard;

17 (3) When reporting criminal activity or requesting
18 assistance relating to a criminal activity;



1 (4) When providing roadside or medical assistance; or

2 (5) When used by a law enforcement officer or emergency

3 service personnel acting within the course and scope

4 of the law enforcement officer's or emergency service

5 personnel's employment.

6 (c) Any person violating subsection (a) shall be guilty of

7 a petty misdemeanor; provided that the person shall be guilty

8 of:

9 (1) A misdemeanor if the person has a prior conviction

10 under subsection (a) that is within three years of:

11 (A) The current conviction under this section; or

12 (B) The commission of the offense upon which the

13 current conviction is based;

14 (2) A class C felony, if the person's driving causes

15 substantial bodily injury or serious bodily injury to

16 another person; or

17 (3) A class B felony, if the person's driving causes the

18 death of another person.

19 (d) For purposes of this section, unless the context

20 indicates otherwise:

21 "Handheld wireless communication device" includes the

22 following:



- 1 (1) A wireless telephone;
- 2 (2) A personal digital assistant;
- 3 (3) Pager; or
- 4 (4) Text messaging device."

5 SECTION 2. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 3. New statutory material is underscored.

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

10

INTRODUCED BY:

Cindy Evans
JAN 21 2011



Report Title:

Traffic Violations; Driver Distractions

Description:

Makes it a petty misdemeanor to operate a motor vehicle while using a text messaging device.

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