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# A BILL FOR AN ACT

RELATING TO OPERATION OF MOTOR VEHICLES.

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

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

"§291- Using a handheld wireless communication device for text messaging communication while operating a motor vehicle. (a) No person shall use a handheld wireless communication device for text messaging or electronic mail communication, or otherwise accessing the Internet, while operating a motor vehicle upon any public street, road, or highway.

(b) Subsection (a) shall not prohibit a person who is operating a motor vehicle from using a handheld wireless communication device:

- (1) During a medical emergency;
- (2) For reporting a safety hazard or requesting assistance relating to a safety hazard;
- (3) For reporting criminal activity or requesting assistance relating to a criminal activity;



- (4) For providing roadside or medical assistance;
- (5) By means of voice operated or hands-free technology;  
or
- (6) If the person is a law enforcement officer or  
emergency service personnel acting within the course  
and scope of the law enforcement officer or emergency  
service personnel's employment.

(c) Any person violating subsection (a) shall be guilty of  
a petty misdemeanor; provided that the person shall be guilty  
of:

- (1) A misdemeanor if the person has a prior conviction  
under subsection (a) that is within three years of:
  - (A) The current conviction under this section; or
  - (B) The commission of the offense upon which the  
current conviction is based;
- (2) A class C felony, if the person's driving at the time  
of the violation causes substantial bodily injury or  
serious bodily injury to another person; or
- (3) A class B felony, if the person's driving at the time  
of the violation causes the death of another person.

(d) For purposes of this section, unless the context  
indicates otherwise:



"Handheld wireless communication device" includes the following:

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

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

SECTION 3. New statutory material is underscored.

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



**Report Title:**

Traffic Violations; Driver Distractions

**Description:**

Makes it a petty misdemeanor to operate a motor vehicle while using a text messaging device. Provides an exemption for using voice operated or hands-free technology. (HB623 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

