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# A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

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

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

4           "§291C-       Mobile telephone use; text messaging

5 prohibited. (a) No driver shall use a mobile telephone to  
6 manually communicate with any person using text-based  
7 communication, including those forms of electronic communication  
8 known as texting, text messaging, instant messaging, or emailing  
9 while operating a moving motor vehicle.

10           (b) It shall be an affirmative defense to an alleged  
11 violation of this section that the person was using a mobile  
12 telephone:

13           (1) To report a medical or safety emergency or to obtain  
14 assistance for a medical or safety emergency; or

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



1        (c) It is a violation for any person to violate the  
2 provisions of this section. Any person who violates this  
3 section shall be fined not more than \$100 for each violation.

4        (d) Notwithstanding any other law to the contrary, no  
5 county shall enact any ordinance or adopt any rule regulating  
6 the use of mobile telephones by a driver of a motor vehicle that  
7 is inconsistent with, or less restrictive than, the provisions  
8 of this section. Any such ordinance or rule shall be void to  
9 the extent that it is inconsistent with this section.

10       (e) This section shall only be enforced as a secondary  
11 action when a driver of a motor vehicle has been detained for  
12 the suspected commission of another traffic infraction.

13       (f) As used in this section:

14       "Commercial vehicle" means a vehicle registered to a  
15 business that has a gross vehicle weight rating of ten thousand  
16 and one pounds or more.

17       "Mobile telephone" means a cellular, analog, satellite,  
18 wireless, or digital device capable of sending or receiving  
19 telephone, digital, or other electronic messages without an  
20 access line for service."

21       SECTION 2. Section 291C-161, Hawaii Revised Statutes, is  
22 amended by amending subsection (c) to read as follows:



1           "(c) Every person convicted under or found in violation of  
2 section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14, 291C-  
3 15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,  
4 291C-104, [~~or~~] 291C-105, or 291C-\_\_\_\_\_ shall be sentenced or fined  
5 in accordance with those sections."

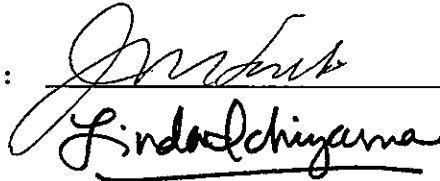
6           SECTION 3. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9           SECTION 4. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11           SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

  
\_\_\_\_\_

JAN 23 2012



**Report Title:**

Mobile Phones; Text Messaging; Penalty

**Description:**

Prohibits text messaging while operating a motor vehicle.  
Imposes penalty of not more than \$100 for each violation.

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

