
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 electronic devices; prohibitions. (a)

5 No person shall operate a motor vehicle while using a mobile
6 electronic device.

7 (b) The use of a mobile electronic device for the sole
8 purpose of making a "911" emergency communication shall be an
9 affirmative defense to this section.

10 (c) The following persons shall be exempt from the
11 provisions of subsection (a):

12 (1) Emergency responders using a mobile electronic device
13 while in the performance and scope of their official
14 duties;

15 (2) Drivers using two-way radios while in the performance
16 and scope of their work-related duties and who are
17 operating fleet vehicles; and



1 (3) Drivers holding a valid amateur radio operator license
2 issued by the Federal Communications Commission and
3 using a half-duplex two-way radio.

4 (d) Every person who violates this section shall be
5 subject to the following:

6 (1) For a first infraction, or any infraction not preceded
7 within one year by a prior violation of this section,
8 a fine of at least \$100 but less than \$200;

9 (2) For an infraction that occurs within one year of a
10 prior violation of this section, a fine of at least
11 \$200 but less than \$300 and the suspension of the
12 person's driver's license and privilege to operate a
13 vehicle for a period of thirty days; and

14 (3) For an infraction that occurs within two years of two
15 prior violations of this section, and for the fourth
16 and each additional violation of this section,
17 regardless of when the violation occurred, a fine of
18 at least \$300 but less than or equal to \$500 and the
19 suspension of the person's driver's license and
20 privilege to operate a vehicle for a period of ninety
21 days.

22 (e) As used in this section:



1 "Emergency responders" means any firefighters, emergency
2 medical technicians, mobile intensive care technicians, civil
3 defense workers, police officers, and federal and state law
4 enforcement officers.

5 "Fleet Vehicle" means any vehicle validly registered
6 pursuant to section 286-53.5.

7 "Mobile electronic device" means any handheld or other
8 portable electronic equipment recognized by the citing officer
9 or other witness to be capable of providing:

10 (1) Wireless audio, video, or data communication between
11 two or more persons; or

12 (2) Amusement, including a cellular phone, text messaging
13 device, paging device, personal digital assistant,
14 laptop computer, video game, or digital photographic
15 device;

16 provided that "mobile electronic device" does not include any
17 audio equipment or any equipment installed in a motor vehicle
18 for the purpose of providing audio, navigation, emergency
19 assistance to the operator of the motor vehicle, or video
20 entertainment to the passengers in the rear seats of the motor
21 vehicle. A "two-way radio" or Private Land Mobile Radio System
22 as defined by title 47 of the Code of Federal Regulations, part



1 90, when used for business purposes, shall not be considered to
2 be a "mobile electronic device".

3 "Operate" means to drive or assume actual physical control
4 of a motor vehicle upon a public way, street, road, or highway
5 in the State.

6 "Use or using" means holding a mobile electronic device
7 while operating a motor vehicle."

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

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

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

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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



Report Title:

Mobile Phones; Text Messaging; Penalty

Description:

Prohibits the use of mobile electronic devices while operating a motor vehicle. Provides for exceptions. Imposes graduated penalties for violations. (HB2355 HD1)

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

