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# A BILL FOR AN ACT

RELATING TO COMMERCIAL DRIVER'S LICENSE.

**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-       Mobile electronic devices; use while operating a  
5 commercial motor vehicle prohibited. (a) No person shall  
6 operate a commercial motor vehicle while using a mobile  
7 electronic device, including using the mobile electronic device  
8 for texting as defined under section 286-231, while operating a  
9 commercial motor vehicle, as defined under section 286-2.

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

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

15           (1) Emergency responders using a mobile electronic device  
16 while in the performance and scope of their official  
17 duties;



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

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

7       (d) Any person who is convicted of violating subsection  
8       (a) shall be fined not more than \$2,750 in addition to the  
9       driving disqualification of section 286-240(e)."

10       (e) As used in this section:

11       "Emergency responders" means any firefighters, emergency  
12       medical technicians, mobile intensive care technicians, civil  
13       defense workers, police officers, and federal and state law  
14       enforcement officers.

15       "Fleet vehicle" means any vehicle validly registered  
16       pursuant to section 286-53.5.

17       "Mobile electronic device" means any handheld or other  
18       portable electronic equipment recognized by the citing officer  
19       or other witness to be capable of providing wireless or data  
20       communications, or both, between two or more persons or of  
21       providing amusement, including but not limited to a cellular  
22       phone, text messaging device, paging device, personal digital



1 assistant, laptop computer, video game, or digital photographic  
2 device, or any device to input, write, send, receive, or read  
3 text, but does not include any equipment installed in a  
4 commercial motor vehicle for the purpose of providing audio,  
5 navigation, or emergency assistance to the operator of the  
6 commercial motor vehicle or video entertainment to the  
7 passengers in the rear seats of the commercial motor vehicle. A  
8 "two-way radio" or Private Land Mobile Radio System as defined  
9 by Title 47 of the Code of Federal Regulations, Part 90, when  
10 used for business purposes, shall not be considered to be a  
11 "mobile electronic device".

12 "Operate a commercial motor vehicle" means to drive or  
13 assume actual physical control of a commercial motor vehicle  
14 upon a public way, street, road, or highway in the State.

15 "Texting" means the same as defined under 286-231.

16 "Use or using" means holding a mobile electronic device  
17 while operating a commercial motor vehicle."

18 SECTION 2. Section 286-231, Hawaii Revised Statutes, is  
19 amended as follows:

20 1. By adding a new definition to be appropriately inserted  
21 and to read:



1       "Texting" means manually entering alphanumeric text into,  
2 or reading text from, an electronic device, and includes:

3       (1) Short message service

4       (2) E-mailing;

5       (3) Instant messaging;

6       (4) A command or request to access a World Wide Web page;

7       and

8       (5) Engaging in any other form of electronic text

9       retrieval or entry,

10 for present or future communication.

11       "Texting" does not include:

12       (1) Reading, selecting, or entering a telephone number, an

13       extension number, or voicemail retrieval codes and

14       commands into an electronic device for the purpose of

15       initiating or receiving a phone call or using voice

16       commands to initiate or receive a telephone call;

17       (2) Inputting, selecting, or reading information on a

18       global positioning system or navigation system; or

19       (3) Using a device capable of performing multiple

20       functions, including fleet management systems,

21       dispatching devices, smart phones, citizens band



1           radios, and music players, for a purpose that is not  
2           otherwise prohibited in this part."

3           2. By amending the definition of "serious traffic  
4 violation" to read:

5           ""Serious traffic violation" means conviction of any of the  
6 following offenses when operating a commercial motor vehicle,  
7 except for weight, defect, and parking violations:

- 8           (1) Excessive speeding, involving any single offense for  
9           any speed of fifteen miles per hour or more above the  
10           posted speed limit;
- 11           (2) Reckless driving, or driving a commercial motor  
12           vehicle in disregard of the safety of persons or  
13           property, including but not limited to offenses of  
14           driving a commercial motor vehicle in wilful or wanton  
15           disregard for the safety of persons or property;
- 16           (3) Improper or erratic traffic lane changes;
- 17           (4) Following a vehicle ahead too closely;
- 18           (5) A violation of any state or local law relating to  
19           motor vehicle traffic control, other than a parking  
20           violation, arising in connection with a fatal traffic  
21           accident;



- 1 (6) Driving a commercial motor vehicle without obtaining a  
2 commercial driver's license;
- 3 (7) Driving a commercial motor vehicle without a  
4 commercial driver's license in the driver's  
5 possession; provided that this paragraph shall not  
6 apply to a citation issued under, or an offense  
7 disposed of pursuant to, section 286-116(a) or a  
8 substantially similar provision of law in another  
9 state; [ø]
- 10 (8) Driving a commercial motor vehicle without the proper  
11 class or endorsements of commercial driver's license  
12 for the specific vehicle group being operated or for  
13 the passengers or type of cargo being transported[-];i  
14 or
- 15 (9) Texting while driving in violation of a state or  
16 county law or ordinance."

17 SECTION 3. Section 286-235, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "**§286-235 Commercial driver's license required.** (a) No  
20 person shall drive a commercial motor vehicle unless the person  
21 holds a valid commercial driver's license and valid applicable  
22 endorsements for the vehicle the person is driving, except when



1 driving under a commercial driver's instruction permit and  
2 accompanied by the holder of a valid commercial driver's license  
3 for the vehicle being driven.

4 (b) No person shall operate a commercial motor vehicle  
5 without a commercial driver's license in such person's  
6 possession.

7 [~~(b)~~] (c) No person shall drive a commercial motor vehicle  
8 while the person's driver's license or permit is suspended,  
9 revoked, or canceled, or while subject to a disqualification.

10 [~~(e)~~] (d) No person shall drive a commercial motor vehicle  
11 in violation of an out-of-service order."

12 SECTION 4. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15 SECTION 5. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect on January 7, 2059.



**Report Title:**

Commercial Driver's License; Electronic Devices; Texting

**Description:**

Prohibits driving a commercial motor vehicle without a commercial driver's license in the driver's possession; and prohibits the use of mobile electronic devices, in addition to texting, while operating a commercial motor vehicle. Makes an exception for certain drivers using a mobile electronic device, and when a driver makes a "911" emergency communication. Effective January 7, 2059. (HB2609 HD2)

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

