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# A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

**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 or commercial motor  
6 vehicle while using a mobile 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 operating fleet vehicles using two-way radios  
16 while in the performance and scope of their work-  
17 related duties; 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) Any person who violates this section shall be subject  
5 to the following:

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

9       (2) For a violation that occurs within one year of a prior  
10       violation of this section, a fine of at least \$200 but  
11       not more than \$300 and the suspension of the person's  
12       driver's license and privilege to operate a vehicle  
13       for a period of thirty days; and

14       (3) For a violation 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 not more than \$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.



1       (e) In addition to any other penalties provided for under  
2 this section, any operator of a commercial motor vehicle found  
3 in violation of this section shall also be penalized in  
4 accordance with section 286-240(e).

5       (f) As used in this section:

6       "Emergency responders" means any firefighters, emergency  
7 medical technicians, mobile intensive care technicians, civil  
8 defense workers, police officers, and federal and state law  
9 enforcement officers.

10       "Fleet vehicle" means any vehicle validly registered  
11 pursuant to section 286-53.5.

12       "Mobile electronic device" means any handheld or other  
13 portable electronic equipment recognized by the citing officer  
14 or other witness to be capable of providing:

15       (1) Wireless audio, video, or data communication between  
16 two or more persons; or

17       (2) Amusement, including a cellular phone, text messaging  
18 device, paging device, personal digital assistant,  
19 laptop computer, video game, or digital photographic  
20 device;

21 provided that "mobile electronic device" shall not include any  
22 audio equipment or any equipment installed in a motor vehicle



1 for the purpose of providing audio, navigation, or emergency  
2 assistance to the operator of the motor vehicle, or video  
3 entertainment to the passengers in the rear seats of the motor  
4 vehicle. A "two-way radio" or private land mobile radio system  
5 as defined by title 47 of the Code of Federal Regulations, part  
6 90, when used for business purposes, shall not be considered a  
7 "mobile electronic device".

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

11 "Use or using a mobile electronic device" means holding a  
12 mobile electronic device."

13 SECTION 2. Section 291C-123, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 **"§291C-123 Driving or parking upon bikeway; parking**  
16 **penalty.** (a) No person shall drive any vehicle other than a  
17 bicycle [~~or moped~~] upon a bicycle lane or bicycle path, except  
18 upon a permanent or authorized temporary driveway, or park any  
19 vehicle upon a bicycle lane or bicycle path; provided that any  
20 vehicle may be driven or parked in a bicycle lane or bicycle  
21 path as applicable if:



- 1 (1) It is in the process of executing a legal turn, lane  
2 change, or parking maneuver;
- 3 (2) It is an authorized emergency vehicle performing the  
4 functions under section 291C-26;
- 5 (3) It is an official federal, state, or county vehicle in  
6 the performance of its actual duty;
- 7 (4) It is a stalled or broken vehicle;
- 8 (5) It is necessary to assist a stalled or broken vehicle;
- 9 (6) It is necessary to yield to an authorized emergency  
10 vehicle pursuant to section 291C-65; or
- 11 (7) It is otherwise provided by law."

12 (b) Any person violating the [~~parking prohibition in~~  
13 ~~subsection (a)] prohibitions in this section shall be fined not  
14 more than \$500."~~

15 SECTION 3. Section 291C-145, Hawaii Revised Statutes, is  
16 amended by amending subsection (f) to read as follows:

17 "(f) The director of transportation by rule and the  
18 counties by ordinance [~~may~~], shall with respect to bikeways  
19 under their respective jurisdictions, restrict or prohibit the  
20 use of such bikeways by mopeds[-]; provided that any such  
21 restriction or prohibition complies with the requirements of  
22 section 291C-197."



1 SECTION 4. Section 291C-161, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) Every person convicted under or found in violation of  
4 section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14, 291C-  
5 15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,  
6 291C-104, ~~[or]~~ 291C-105, or 291C- shall be sentenced or fined  
7 in accordance with those sections."

8 SECTION 5. Section 291C-197, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "~~§291C-197 Driving mopeds on bicycle lanes and paths[-];~~  
11 prohibited. (a) ~~[Wherever bicycle lanes are provided on the~~  
12 ~~roadway, moped drivers shall use such bicycle lanes.]~~ No moped  
13 driver shall operate a moped on a bicycle lane or a bicycle  
14 path.

15 (b) The director of transportation by rule and the  
16 counties by ordinance ~~[may]~~ shall, with respect to bicycle paths  
17 and bicycle lanes under their respective jurisdictions ~~[restrict~~  
18 ~~or]~~, prohibit the use of such bicycle paths or bicycle lanes by  
19 mopeds. Signs clearly visible to an ordinarily observant person  
20 indicating the ~~[restriction or]~~ prohibition shall be placed  
21 along bicycle paths and bicycle lanes so designated and every  
22 moped driver shall obey the directions thereof.



1        [~~(c) This section shall not apply to a three wheeled~~  
2 ~~moped.~~] "

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

6        SECTION 7. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8        SECTION 8. This Act shall take effect on January 7, 2059.



**Report Title:**

Traffic Safety; Bicycle Path; Mopeds

**Description:**

Prohibits the use of mopeds on bicycle lanes and bicycle paths. Prohibits operating a motor vehicle or commercial motor vehicle while using a mobile electronic device. Provides penalties. Effective January 7, 2059. (HB2760 HD2)

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

