
A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

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

PART I

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

"§291C- Mobile electronic devices; prohibitions. (a)
No person shall operate a motor vehicle or commercial motor vehicle while using a mobile electronic device.

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

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

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

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



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; and

4 (4) Drivers operating a motor vehicle or commercial motor
5 vehicle equipped with an electronic global position
6 tracking system.

7 (d) Any person who violates this section shall be subject
8 to the following:

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

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

17 (3) For a violation that occurs within two years of two
18 prior violations of this section, and for the fourth
19 and each additional violation of this section,
20 regardless of when the violation occurred, a fine of
21 at least \$300 but less than \$500 and the suspension of



1 the person's driver's license and privilege to operate
2 a vehicle for a period of ninety days.

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

7 (f) As used in this section:

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

12 "Fleet vehicle" means any vehicle validly registered
13 pursuant to section 286-53.5.

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

17 (1) Wireless audio, video, or data communication between
18 two or more persons; or

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



1 provided that "mobile electronic device" shall not include any
2 audio equipment or any equipment installed in a motor vehicle
3 for the purpose of providing audio, navigation, or emergency
4 assistance to the operator of the motor vehicle, or video
5 entertainment to the passengers in the rear seats of the motor
6 vehicle. A two-way radio or private land mobile radio system as
7 defined by title 47 of the Code of Federal Regulations, part 90,
8 section 90.7, when used for business purposes, shall not be
9 considered a "mobile electronic device".

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

13 "Use or using a mobile electronic device" means holding a
14 mobile electronic device."

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

17 "(c) Every person convicted under or found in violation of
18 section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14, 291C-
19 15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,
20 291C-104, [~~or~~] 291C-105, or 291C-_____ shall be sentenced or fined
21 in accordance with those sections."

22 **PART II**



1 SECTION 3. Section 264-20.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~§~~264-20.5] **Complete streets.** (a) The department of
4 transportation and the county transportation departments shall
5 adopt a complete streets policy that seeks to reasonably
6 accommodate convenient access and mobility for all users of the
7 public highways within their respective jurisdictions as
8 described under section 264-1, including pedestrians,
9 bicyclists, transit users, motorists, and persons of all ages
10 and abilities. All budget or appropriation requests from the
11 department of transportation for design of a highway may
12 incorporate the complete streets policy.

13 (b) This section shall apply to new construction,
14 reconstruction, and maintenance of highways, roads, streets,
15 ways, and lanes located within urban, suburban, and rural areas,
16 if appropriate for the application of complete streets.

17 (c) This section shall not apply if:

18 (1) Use of a particular highway, road, street, way, or
19 lane by bicyclists or pedestrians is prohibited by
20 law, including within interstate highway corridors;



1 (2) The costs would be excessively disproportionate to the
2 need or probable use of the particular highway, road,
3 street, way, or lane;

4 (3) There exists a sparseness of population, or there
5 exists other available means, or similar factors
6 indicating an absence of a future need; or

7 (4) The safety of vehicular, pedestrian, or bicycle
8 traffic may be placed at unacceptable risk.

9 (d) New highways may be engineered to maximize the safety
10 of pedestrians while crossing a highway, or crossing a street or
11 roadway, as those terms are defined in section 291C-1, including
12 consideration of the width, number of lanes, crossing islands,
13 and speed of traffic.

14 (e) Roundabouts may be installed, where appropriate, as a
15 method of controlling vehicular speed, including at
16 intersections."

17 SECTION 4. The department of transportation is authorized
18 to select eight projects distributed throughout Hawaii where
19 roundabouts will be used and flexible context-sensitive design
20 standards or an equivalent process will be incorporated into
21 project design.

22 **PART III**



1 SECTION 5. 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- Bicycles transport. A bicycle shall not be
5 transported on buses in the public transportation system, unless
6 the bicycle has a wheel base not more than forty-four inches
7 wide; tires not more than 2.3 inches; wheel diameters not less
8 than twenty inches long; and a total weight of not more than
9 fifty-five pounds."

10 SECTION 6. Section 249-1, Hawaii Revised Statutes, is
11 amended by amending the definition of "bicycle" to read as
12 follows:

13 "Bicycle" means [~~every device~~]:

- 14 (1) A vehicle propelled solely by human power upon which
15 any person may ride[,-] that is propelled solely by
16 human power, having two tandem wheels sixteen inches
17 in diameter or greater, and including any [~~device~~]
18 vehicle generally recognized as a bicycle though
19 equipped with two front or two rear wheels[-], except
20 for a toy bicycle; or
- 21 (2) A vehicle upon which any person may ride that has two
22 tandem wheels, including any vehicle generally



1 recognized as a bicycle even if equipped with two
 2 front or two rear wheels and an electric motor that
 3 shall produce less than seven hundred fifty watts or
 4 has no more than one horse power and is capable of
 5 propelling the vehicle at a maximum speed of less than
 6 twenty miles per hour on a paved level surface."

7 SECTION 7. Section 291C-1, Hawaii Revised Statutes, is
 8 amended by amending the definition of "bicycle" to read as
 9 follows:

10 "Bicycle" means ~~[every]~~:

11 (1) A vehicle upon which a person may ride that is
 12 propelled solely by human power [~~upon which any person~~
 13 ~~may ride, having]~~ and has two tandem wheels[~~, and~~
 14 ~~including]~~. "Bicycle" includes any vehicle generally
 15 recognized as a bicycle even though it is equipped
 16 with two front or two rear wheels [~~except~~]; provided
 17 that "bicycle" shall not include a toy bicycle[~~-~~]; or

18 (2) A vehicle generally recognized as a bicycle that is
 19 equipped with an electric motor that:

20 (A) Produces less than seven hundred fifty watts or
 21 has no more than one horse power; and

1 (B) Is capable of propelling the vehicle to a maximum
2 speed of twenty miles per hour on a paved level
3 surface."

4 SECTION 8. Section 291C-123, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§291C-123 Driving or parking upon bikeway; parking**

7 **penalty.** (a) No person shall drive any vehicle other than a
8 bicycle [~~or moped~~] upon a bicycle lane or bicycle path, except
9 upon a permanent or authorized temporary driveway, or park any
10 vehicle upon a bicycle lane or bicycle path; provided that any
11 vehicle may be driven or parked in a bicycle lane or bicycle
12 path as applicable if:

13 (1) It is in the process of executing a legal turn, lane
14 change, or parking maneuver;

15 (2) It is an authorized emergency vehicle performing the
16 functions under section 291C-26;

17 (3) It is an official federal, state, or county vehicle in
18 the performance of its actual duty;

19 (4) It is a stalled or broken vehicle;

20 (5) It is necessary to assist a stalled or broken vehicle;

21 (6) It is necessary to yield to an authorized emergency
22 vehicle pursuant to section 291C-65; or

1 (7) It is otherwise provided by law."

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

5 SECTION 9. Section 291C-145, Hawaii Revised Statutes, is
6 amended by amending subsection (f) to read as follows:

7 "(f) The director of transportation by rule and the
8 counties by ordinance [~~may~~], with respect to bikeways under
9 their respective jurisdictions [~~restrict or~~], shall prohibit the
10 use of such bikeways by mopeds[-]; provided that any such
11 prohibition complies with the requirements of section 291C-197."

12 SECTION 10. Section 291C-197, Hawaii Revised Statutes, is
13 amended to read as follows:

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

19 (b) The director of transportation by rule and the
20 counties by ordinance [~~may~~], with respect to bicycle paths and
21 bicycle lanes under their respective jurisdictions [~~restrict~~
22 ~~or~~], shall prohibit the use of such bicycle paths or bicycle

1 lanes by mopeds. Signs clearly visible to an ordinarily
2 observant person indicating the [~~restriction or~~] prohibition
3 shall be placed along bicycle paths and bicycle lanes so
4 designated and every moped driver shall obey the directions
5 thereof.

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

8 **PART IV**

9 SECTION 11. This Act does not affect rights and duties
10 that matured, penalties that were incurred, and proceedings that
11 were begun before its effective date.

12 SECTION 12. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 13. This Act shall take effect upon its approval.



Report Title:

Mobile Electronic Devices; Complete Streets; Bicycle Path;
Mopeds

Description:

Prohibits use of mobile electronic devices while operating a motor vehicle or commercial motor vehicle. Clarifies complete streets statute to reference DOT budget requests for highway design to include complete streets policy. Authorizes DOT to engineer highways maximize safety for pedestrians while crossing streets. Allows DOT to install roundabouts. Authorizes DOT to select eight projects to include roundabouts and flexible design standards. Incorporates electric motor bicycles into definition of bicycle in section 249-1 and 291C-1, HRS. Prohibits transport of certain bicycles on public buses. Prohibits use of mopeds on bikeways, bicycle lanes, and paths. (SD1)

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

