
A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1 SECTION 1. Distracted driving is a problem of national
2 concern. The legislature finds that the task of driving
3 requires the driver's full attention in focusing on the roadway
4 and driving maneuvers. Any distraction that diverts the
5 driver's attention from the primary tasks of maneuvering the
6 vehicle and responding to critical events increases the risk of
7 being involved in a motor vehicle crash. A distraction is
8 anything that takes a driver's eyes off the road (visual
9 distraction), mind off the road (cognitive distraction), or
10 hands off the wheel (manual distraction).

11 The use of cellular phones or other mobile electronic
12 devices during the task of driving poses the risk of harm to the
13 driver and others in the vehicle or on the road. New research
14 findings by the National Highway Traffic Safety Administration
15 show that nearly six thousand individuals (sixteen per cent of
16 all fatal crashes) died in 2008 in crashes involving a
17 distracted or inattentive driver, and more than five hundred
18 thousand individuals were injured. A survey has shown that on



1 any given day during 2008, more than eight hundred thousand
2 vehicles were driven by someone using a hand-held cellular
3 phone. Federal researchers have observed drivers of all ages
4 using a variety of hand-held devices while driving -- cellular
5 phones, iPods, video games, Blackberrys, and Global Positioning
6 System receivers. In particular, the use of cellular phones for
7 talking and texting while driving has become more prevalent on
8 our nation's roadways.

9 The National Safety Council reported that the Harvard
10 Center of Risk Analysis concluded that cellular phone use
11 contributes to an estimated six per cent of all crashes. That
12 percentage equates to 636,000 crashes, three hundred thirty
13 thousand injuries, twelve thousand serious injuries, and two
14 thousand six hundred deaths each year. The annual cost of
15 crashes caused by cellular phone use is estimated at
16 \$43,000,000,000. The Wireless Association reports that there
17 are more than 270,000,000 cellular phone subscribers and that
18 eighty-one per cent of the public admitted to talking on a
19 cellular phone while driving.

20 In 2007, the Hawaii department of transportation showed
21 that of the 8,770 collisions that happened during that year,
22 2,871 (thirty-two per cent) were attributed to inattention to



1 driving. The new surface transportation bill, Moving Ahead for
2 Progress in the 21ST Century Act (MAP-21) (Pub. L. 112-141),
3 passed by Congress in 2012, authorizes \$22,500,000 in federal
4 fiscal year 2013 and \$23,100,000 in federal fiscal year 2014 to
5 be distributed to the states that have a distracted driver state
6 law. Unfortunately, Hawaii is not eligible for this funding due
7 to the absence of a distracted driving statute that prohibits
8 the use of mobile electronic devices while driving.

9 The purpose of this Act is to prohibit the use of cellular
10 phones and other mobile electronic devices while operating a
11 vehicle, with certain exceptions, and to specifically prohibit
12 activities such as texting, instant messaging, gaming, and
13 emailing, which take a driver's eyes off the road, mind off the
14 road, and hands off the wheel.

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

18 "§291C- Mobile electronic devices. (a) No person shall
19 operate a motor vehicle while using a mobile electronic device.

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



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

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

6 (2) Drivers using a two-way radio or a Private Land Mobile
7 Radio System as defined by title 47 of the Code of
8 Federal Regulations part 90, while in the performance
9 and scope of their work-related duties and who are
10 operating fleet vehicles or who possess a commercial
11 vehicle license; or

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

15 (d) As used in this section:

16 "Emergency responders" include firefighters, emergency
17 medical technicians, mobile intensive care technicians, civil
18 defense workers, police officers, and federal and state law
19 enforcement officers.

20 "Fleet vehicle" means any vehicle validly registered
21 pursuant to section 286-53.5.



1 "Mobile electronic device" means any handheld or other
2 portable electronic equipment capable of providing wireless or
3 data communication between two or more persons or of providing
4 amusement, including but not limited to a cellular phone, text
5 messaging device, paging device, personal digital assistant,
6 laptop computer, video game, or digital photographic device, but
7 does not include any audio equipment or any equipment installed
8 in a motor vehicle for the purpose of providing navigation,
9 emergency assistance to the operator of the motor vehicle, or
10 video entertainment to the passengers in the rear seats of the
11 motor vehicle.

12 "Operate" a motor vehicle means the same as is defined in
13 section 291E-1.

14 "Use" or "using" means holding a mobile electronic device
15 while operating a motor vehicle.

16 (e) Every person who violates this section shall be
17 subject to the following penalties:

18 (1) For a first violation, or any violation not preceded
19 within one year by a prior violation of this section,
20 a fine of not less than \$100 and not more than \$200;

21 (2) For a violation that occurs within one year of a prior
22 violation of this section, a fine of not less than



1 \$200 and not more than \$300 and the suspension of the
2 person's driver's license and privilege to operate a
3 vehicle for a period of thirty days; and

4 (3) For a violation that occurs within two years of two
5 prior violations of this section, and for the fourth
6 and each additional violation of this section,
7 regardless of when committed, a fine of not less than
8 \$300 and not more than \$500 and the suspension of the
9 person's driver's license and privilege to operate a
10 vehicle for a period of ninety days.

11 (f) Any violation as provided in subsection (a) shall not
12 be deemed to be a traffic infraction as defined by chapter
13 291D."

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

17 SECTION 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Highway Safety; Use of Mobile Electronic Devices

Description:

Prohibits the use of mobile electronic devices while operating a motor vehicle in the State and establishes penalties. Effective July 1, 2050. (HB980 HD1)

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

