
A BILL FOR AN ACT

RELATING TO MOBILE ELECTRONIC DEVICES.

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

1 SECTION 1. The legislature finds that questions and issues
2 have arisen regarding Act 74, Session Laws of Hawaii 2013,
3 relating to the use of mobile electronic devices while driving.

4 The purpose of this Act is to make clarifying amendments to
5 Act 74, Session Laws of Hawaii 2013.

6 SECTION 2. Section 291C-137, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending subsection (a) to read:

9 "(a) No person shall operate a motor vehicle while using a
10 mobile electronic device[-] held in the person's hand for the
11 purpose of making or receiving a non-emergency call, texting, or
12 receiving a text message."

13 2. By amending subsections (d) to (g) to read:

14 "(d) The following persons shall be exempt from subsection
15 (a):

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



- 1 (2) Drivers using a two-way radio or a private Land Mobile
2 Radio System, within the meaning of title 47 Code of
3 Federal Regulations part 90, while in the performance
4 and scope of their work-related duties and who are
5 operating fleet vehicles or who possess a commercial
6 vehicle license; [~~or~~]
- 7 (3) Drivers holding a valid amateur radio operator license
8 issued by the Federal Communications Commission and
9 using a half-duplex two-way radio[-];
- 10 (4) Drivers searching for current traffic conditions,
11 accidents, or alternative traffic routes; or
- 12 (5) Drivers of vehicles that are at a complete stop,
13 whether or not the engine is running, in a safe
14 location by the side of the road out of the way of
15 traffic.
- 16 (e) As used in this section:
- 17 "Emergency responders" [~~include~~] includes firefighters,
18 emergency medical technicians, mobile intensive care
19 technicians, civil defense workers, police officers, and federal
20 and state law enforcement officers.
- 21 "Fleet vehicle" means any vehicle validly registered
22 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 291B-1.~~] to drive or assume actual physical control of a
14 vehicle upon a public way, street, road, or highway.

15 "Texting" shall have the same meaning as in section 286-
16 231."

17 "Use" or "using" means holding a mobile electronic device
18 in the driver's hand for the purpose of making or receiving a
19 non-emergency call, texting, or receiving a text message while
20 operating a motor vehicle.

21 (f) Every person who violates this section shall be
22 subject to [~~the following penalties:~~



- 1 ~~(1) For a first violation, or any violation not preceded~~
2 ~~within one year by a prior violation of this section,~~
3 ~~a fine of not less than \$100 and not more than \$200;~~
- 4 ~~(2) For a violation that occurs within one year of a prior~~
5 ~~violation of this section, a fine of not less than~~
6 ~~\$200 and not more than \$300; and~~
- 7 ~~(3) For a violation that occurs within two years of two~~
8 ~~prior violations of this section, and for the fourth~~
9 ~~and each subsequent violation of this section,~~
10 ~~regardless of when committed, a fine of not less than~~
11 ~~\$300 and not more than \$500.] a fine of \$200.~~

12 If a person violates this section while operating a motor
13 vehicle in a school zone or construction area, as defined in
14 section 291C-104, the ~~[fines imposed pursuant to this subsection~~
15 ~~shall be doubled.] fine shall be \$400.~~

16 (g) Any violation as provided in subsections (a) and (c)
17 shall ~~[not]~~ be deemed to be a traffic infraction as defined in
18 section 291D-2."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.

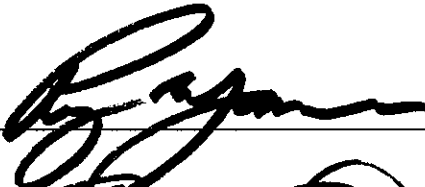
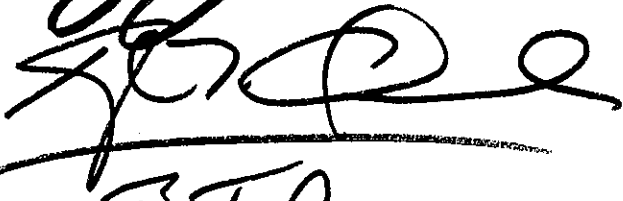

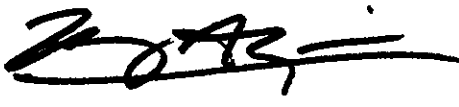



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act, upon its approval, shall take effect
4 retroactive to May 20, 2013.

5

INTRODUCED BY:

JAN 17 2014



H.B. NO. 1896

Report Title:

Mobile Electronic Devices

Description:

Amends section 291C-137, HRS, to prohibit the operation of a motor vehicle while using a mobile electronic device held in a person's hand for making or receiving a non-emergency call, texting, or receiving a text message. Adds exemptions to prohibition. Amends the penalties for violations. Deems a violation to be a traffic infraction. Takes effect retroactive to 5/20/2013.

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

