

JAN 17 2014

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# A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1           SECTION 1. Section 291C-137, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           " [†] §291C-137 [†] **Mobile electronic devices.** (a) No  
4 person shall operate a motor vehicle while using a mobile  
5 electronic device.

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

9           (c) No person under eighteen years of age shall operate a  
10 motor vehicle while utilizing a hands-free mobile electronic  
11 device, except for the sole purpose of making a "911" emergency  
12 communication.

13           (d) The following persons shall be exempt from subsection

14 (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 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 (e) As used in this section:

11 "Emergency responders" include 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 capable of providing wireless or  
19 data communication between two or more persons or of providing  
20 amusement, including but not limited to a cellular phone, text  
21 messaging device, paging device, personal digital assistant,  
22 laptop computer, video game, or digital photographic device, but



1 does not include any audio equipment or any equipment installed  
2 in a motor vehicle for the purpose of providing navigation,  
3 emergency assistance to the operator of the motor vehicle, or  
4 video entertainment to the passengers in the rear seats of the  
5 motor vehicle.

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

8 "Use" or "using" means holding a mobile electronic device  
9 while operating a motor vehicle.

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

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

15 ~~(2) For a violation that occurs within one year of a prior~~  
16 ~~violation of this section, a fine of not less than~~  
17 ~~\$200 and not more than \$300; and~~

18 ~~(3) For a violation that occurs within two years of two~~  
19 ~~prior violations of this section, and for the fourth~~  
20 ~~and each subsequent violation of this section,~~  
21 ~~regardless of when committed, a fine of not less than~~



1           ~~§300 and not more than §500.]~~ a fine of not less than  
2           \$150.

3    If a person violates this section while operating a motor  
4    vehicle in a school zone or construction area, as defined in  
5    section 291C-104, the fines imposed pursuant to this subsection  
6    shall be doubled.

7           ~~[(g) Any violation as provided in subsections (a) and (c)~~  
8    ~~shall not be deemed to be a traffic infraction as defined in~~  
9    ~~section 291D-2.~~


10          ~~(h)]~~ (g) This section shall supersede any county ordinance  
11    regulating the use or utilization of mobile electronic devices  
12    while operating a motor vehicle."

13          SECTION 2. Statutory material to be repealed is bracketed  
14    and stricken. New statutory material is underscored.

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

18          SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 



# S.B. NO. 2708

**Report Title:**

Highway Safety; Use of Mobile Electronic Devices

**Description:**

Specifies that operating a motor vehicle in the State while utilizing a mobile device is a traffic infraction. Specifies that the penalty for such an infraction shall be a fine of not less than \$150.

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

