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# 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 section 291C-137, Hawaii Revised Statutes,  
3 relating to the use of mobile electronic devices while driving.

4           The purpose of this Act is to make clarifying amendments to  
5 section 291C-137, Hawaii Revised Statutes.

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

8           " ~~[+]~~§291C-137~~[+]~~ **Mobile electronic devices.** (a) No  
9 person shall operate a motor vehicle while using a mobile  
10 electronic device.

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

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



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

2 (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, within the meaning of title 47 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 (e) 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 (f) 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;~~



1 ~~(2) For a violation that occurs within one year of a prior~~  
2 ~~violation of this section, a fine of not less than~~  
3 ~~\$200 and not more than \$300; 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 subsequent violation of this section,~~  
7 ~~regardless of when committed, a fine of not less than~~  
8 ~~\$300 and not more than \$500.] a fine of not less than~~  
9 ~~\$250 that shall be deposited into the state highway~~  
10 ~~fund; provided that [if] if a person violates this~~  
11 ~~section while operating a motor vehicle in a school~~  
12 ~~zone or construction area, as defined in section 291C-~~  
13 ~~104, the [fines imposed pursuant to this subsection~~  
14 ~~shall be doubled.~~

15 ~~(g) Any violation as provided in subsections (a) and (c)~~  
16 ~~shall not be deemed to be a traffic infraction as defined in~~  
17 ~~section 291D-2.] fine shall be \$400 and paid to the director of~~  
18 ~~finance pursuant to section 291C-171.~~

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



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

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

6 SECTION 5. This Act shall take effect on January 1, 2150.



**Report Title:**

Mobile Electronic Devices; Highway Safety

**Description:**

Makes operating a motor vehicle in the State while using a mobile device a traffic infraction. Specifies that the penalty for operating a motor vehicle while using a mobile electronic device shall be a fine of not less than \$250, or \$400 if operating the motor vehicle in a school zone or construction area, and that collected fines shall be deposited in the State Highway Fund. Effective January 1, 2150. (SB2729 HD1)

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

