
A BILL FOR AN ACT

RELATING TO MOBILE ELECTRONIC DEVICES.

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 person
4 shall operate a motor vehicle while [~~using~~] holding 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.~~] section.

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

13 (d) No pedestrian shall cross a street, road, or highway
14 while using a mobile electronic device.

15 [~~(d)~~] (e) The following persons shall be exempt from
16 subsection (a):



- 1 (1) Emergency responders using a mobile electronic device
2 while in the performance and scope of their official
3 duties;
- 4 (2) Drivers using a two-way radio or a private Land Mobile
5 Radio System, within the meaning of title 47 Code of
6 Federal Regulations part 90, while in the performance
7 and scope of their work-related duties and who are
8 operating fleet vehicles or who possess a commercial
9 vehicle license;
- 10 (3) Drivers holding a valid amateur radio operator license
11 issued by the Federal Communications Commission and
12 using a half-duplex two-way radio; or
- 13 (4) Drivers of vehicles that are at a complete stop, while
14 the engine is turned off, in a safe location by the
15 side of the road out of the way of traffic.

16 [~~(e)~~] (f) As used in this section:

17 "Emergency responders" includes firefighters, emergency
18 medical technicians, mobile intensive care technicians,
19 emergency management workers, police officers, and federal and
20 state law enforcement officers.



1 "Fleet vehicle" means any vehicle validly registered
2 pursuant to section 286-53.5.

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

14 "Operate" a motor vehicle means to drive or assume actual
15 physical control of the vehicle upon a public way, street, road,
16 or highway, including operation while temporarily stationary
17 because of traffic, a traffic light, or a stop sign.

18 "Use" or "using" means [~~holding~~] utilizing any of the
19 functions of a mobile electronic device [~~while operating a motor~~
20 ~~vehicle~~].



1 ~~[(f)]~~ (g) Every person who violates this section shall be
2 subject to a fine of \$250 that shall be deposited into the state
3 highway fund; provided that if a person violates this section
4 while operating a motor vehicle in a school zone or construction
5 area, as defined in section 291C-104, the fine shall be \$300,
6 which shall be paid to the director of finance pursuant to
7 section 291C-171.

8 ~~[(g)]~~ (h) Any violation ~~[as provided in subsections (a)~~
9 ~~and (e)]~~ of this section shall be deemed to be a traffic
10 infraction as defined in section 291D-2.

11 ~~[(h)]~~ (i) This section shall supersede any county
12 ordinance regulating the use or utilization of mobile electronic
13 devices while operating a motor vehicle~~[-]~~ or crossing a street,
14 road, or highway."

15 SECTION 2. 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 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Statewide Traffic Code; Mobile Electronic Devices; Pedestrians

Description:

Prohibits a pedestrian from crossing a street, road, or highway while using a mobile electronic device. (HB2723 HD1)

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