

JAN 23 2009

A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1 SECTION 1. The legislature finds that there is growing
2 public concern regarding the safety implications of the
3 widespread practice of using hand-held wireless telephones while
4 operating motor vehicles.

5 The legislature further finds that there are significant
6 safety benefits associated with the availability of wireless
7 communication technologies, including providing assistance that
8 helps save lives and minimizes property damage. The
9 availability of wireless telephones in motor vehicles allows
10 motorists to report accidents, fires, dangerous road conditions,
11 dangerous driving, criminal behavior, including drunk driving,
12 and stranded motorist situations.

13 The purpose of this Act is to establish safety guidelines
14 for use of wireless telephones while operating a motor vehicle.

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



1 **"§291-A Use of a wireless telephone while operating a**

2 **motor vehicle.** (a) A person shall not operate a motor vehicle
3 while using a wireless telephone unless the telephone is
4 specifically designed and configured to allow hands-free
5 listening and talking, and is used in that manner while driving.

6 (b) A person violating this section shall be fined \$25 for
7 a first offense and \$50 for each subsequent offense.

8 (c) This section shall not apply to:

9 (1) A person using a wireless telephone for emergency
10 purposes, including, but not limited to, an emergency
11 call to a law enforcement agency, health care
12 provider, fire department, or other emergency services
13 agency or entity;

14 (2) An emergency services professional using a wireless
15 telephone while operating an emergency vehicle, as
16 defined in section 291-11.6, in the course and scope
17 of the emergency services professional's duties;

18 (3) A person driving a mass transit vehicle, as defined in
19 section 291-11.6; or

20 (4) A person driving a motor vehicle on private property.

21 **§291-B Use of a wireless telephone or mobile service**

22 **device while operating a motor vehicle; drivers under the age of**



1 eighteen. (a) A person under eighteen years of age shall not
2 operate a motor vehicle while using a wireless telephone, even
3 if equipped with a hands-free device, or while using a mobile
4 service device.

5 (b) A person violating this section shall be fined \$25 for
6 a first offense and \$50 for each subsequent offense.

7 (c) A law enforcement officer shall not stop a vehicle for
8 the sole purpose of determining whether the driver is violating
9 subsection (a); provided that this subsection shall not prohibit
10 a law enforcement officer from stopping a vehicle for a
11 violation of section 291-A.

12 (d) This section shall not apply to a person using a
13 wireless telephone or a mobile service device for emergency
14 purposes, including, but not limited to, an emergency call to a
15 law enforcement agency, health care provider, fire department,
16 or other emergency services agency or entity.

17 (e) For the purposes of this section, "mobile service
18 device" includes, but is not limited to, a broadband personal
19 communication device, specialized mobile radio device, handheld
20 device or laptop computer with mobile data access, pager, and
21 two-way messaging device."



1 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

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Report Title:

Highway Safety; Wireless Telephones; Mobile Service Device

Description:

Establishes guidelines, fines, and exemptions for the use of wireless telephones while driving a motor vehicle; prohibits drivers under age eighteen from using a wireless telephone or mobile service device while driving, except for emergency purposes.

