



A BILL FOR AN ORDINANCE

RELATING TO THE USE OF ELECTRONIC DEVICES WHILE OPERATING MOTOR VEHICLES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to prohibit the use of certain electronic devices while operating a motor vehicle.

SECTION 2. Chapter 15, Article 24, Revised Ordinances of Honolulu 1990, as amended ("Miscellaneous Provisions"), is amended by adding a new section to be appropriately designated by the revisor of ordinances and to read as follows:

"Sec. 15-24. Mobile electronic devices.

- (a) No person shall operate a motor vehicle while using a mobile electronic device.
- (b) The use of a mobile electronic device for the sole purpose of making a "911" emergency communication shall be an affirmative defense to this ordinance.
- (c) The following persons shall be exempt from the provisions of subsection (a):
 - (1) Emergency responders using a mobile electronic device while in the performance and scope of their official duties;
 - (2) Drivers using two-way radios while in the performance and scope of their work-related duties;
 - (3) Drivers holding a valid amateur radio operator license issued by the federal communications commission and using a half-duplex two-way radio.
- (d) As used in this section:

"Emergency responders" include fire fighters, emergency medical technicians, mobile intensive care technicians, civil defense workers, police officers and federal and state law enforcement officers.

"Mobile electronic device" means any hand-held or other portable electronic equipment capable of providing wireless and/or data communication between two or more persons or of providing amusement, including but not limited to a cellular phone, text messaging device, paging device, personal digital



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assistant, laptop computer, video game, or digital photographic device, but does not include any audio equipment or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of the motor vehicle or video entertainment to the passengers in the rear seats of the motor vehicle.

“Operate” a motor vehicle means the same as is defined in HRS Section 291E-1.

“Use or using” means holding a mobile electronic device while operating a motor vehicle.”

SECTION 3. New ordinance material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the underscoring.



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SECTION 4. This ordinance shall take effect on July 1, 2009.

INTRODUCED BY:

Rod Tam

Donovan Dela Cruz

DATE OF INTRODUCTION:

January 28, 2009
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

MUFU HANNEMANN, Mayor
City and County of Honolulu

FAQ's Relating to the Use of Mobile Electronic Devices

Q: What is Bill 4 (2009) Relating to the Use of Electronic Devices While Operating a Motor Vehicle?

A: This is a new law that prohibits the use of mobile electronic devices while operating a motor vehicle. The law's purpose is to make Honolulu roadways safer for motorists, pedestrians, and bicyclists.



Q: What is a “mobile electronic device”?

A: “Mobile electronic device” refers to any hand-held or other portable electronic equipment capable of providing wireless and/or data communication between two or more persons or of providing amusement, including but not limited to a cellular phone, text messaging device, paging device, personal digital assistant, laptop

computer, video game, or digital photographic device. The law does not prohibit the use of audio equipment installed in a motor vehicle for the purposes of providing navigation, emergency assistance to the operator of the motor vehicle, or video entertainment to the passengers in the rear seats of a motor vehicle.

Q: What does “use” or “using” mean under this law?

A: “Use” or “using” means holding a mobile electronic device while operating a motor vehicle.

Q: Does the law ban all mobile electronic devices?

A: The law applies to hand-held devices. Hands-free devices are still allowed.

Q: Does the law prohibit texting?

A: Yes, it is illegal for drivers to text or engage in other hand-held uses of mobile electronic devices while operating a motor vehicle.

Q: May I make a call on my phone while stopped in traffic?

A: No.

Q: What if I need to use my phone in an emergency, but I don’t have a hands-free device?

A: The law exempts the use of cellular phones for emergency 911 calls.

Q: What is the fine for this offense?

A: \$67 for the first offense.

Q: Does the law apply to out-of-state drivers?

A: Yes.

Q: Are passengers affected by this law?

A: No, only the driver of the vehicle.

Q: When does the law take effect? Will there be a grace period?

A: Enforcement will begin on July 1, 2009, when the law takes effect.