



## 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

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DATE OF INTRODUCTION:

January 28, 2009  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

*Joy S. Kitecky*  
Deputy Corporation Counsel

APPROVED this 7<sup>th</sup> day of May, 2009.

*Mufi Hannemann*  
MUFU HANNEMANN, Mayor  
City and County of Honolulu