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**A BILL FOR AN ORDINANCE**

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RELATING TO MOBILE ELECTRONIC DEVICES.

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

SECTION 1. Purpose. The purpose of this ordinance is to regulate the use of mobile electronic devices by certain persons.

SECTION 2. Section 15-24.23, Revised Ordinances of Honolulu 1990, is amended to read as follows:

**"Sec. 15-24.23 Mobile electronic devices.**

- (a) No person shall operate a motor vehicle while using a mobile electronic device.
- (b) No person shall cross a street or highway while viewing a mobile electronic device.
- (c) ~~[The use of a mobile electronic device for the sole purpose of making a "911" emergency communication shall be]~~ It is an affirmative defense to [this ordinance.] any citation for a violation of subsection (a) or (b) that the cited person was engaged in making a "911" emergency communication with a mobile electronic device.

~~[(e)](d)~~ The following persons ~~[shall be]~~ are exempt from the provisions of subsection (a) ~~[:]~~ or (b), or both, as the case may be:

- (1) Emergency responders using or viewing 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 ~~[-];~~ and
- (4) Persons operating a vessel underway on or in the waters of the State.

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



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

"Mobile electronic device" means any handheld 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, 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.

"Motor vehicle" means the same as is defined in HRS Section 291E-1.

"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.

"Viewing" means looking in the direction of the screen of a mobile electronic device."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New 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 brackets, the material that has been bracketed and stricken, or the underscoring.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 6 (2017), CD1

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SECTION 4. This ordinance takes effect ninety days after its approval.

INTRODUCED BY:

Brandon Elefante

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DATE OF INTRODUCTION:

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January 12, 2017  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu