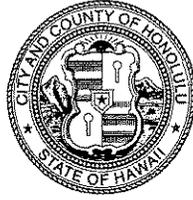


OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 • HONOLULU, HAWAII 96813
TELEPHONE: (808) 523-4141 • FAX: (808) 527-5552 • INTERNET: www.honolulu.gov

MUFI HANNEMANN
MAYOR



February 12, 2009

The Honorable Todd Apo, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Apo and Councilmembers:

After due consideration, I am returning Bill 67 (2008), FD1, with my veto. The bill, which passed third reading on January 28, 2009, prohibits text messaging and the playing of video games while operating a motor vehicle. The bill, while addressing "distracted driving," has raised concerns by the Office of the Prosecuting Attorney and the Honolulu Police Department, who testified that Bill 67 would be almost impossible to enforce.

Because of the many types of electronic devices currently available, a police officer will be unable to distinguish or differentiate whether the operator of the vehicle is: texting, playing a video game, placing a phone call, downloading information, reviewing information on a PDA, checking calendar events, emailing, inputting information, watching a video or video clip, watching television, or any of the numerous tasks capable by mobile electronic devices.

There are cellular phones that are capable of all and more of the previously mentioned functions. A police officer operating a motor vehicle will only have a second or two to determine if the driver is committing a violation by text messaging or playing a video game. The Prosecuting Attorney also notes that a motorist involved in an accident while using a mobile device would be likely be charged under a State Statute for inattention to driving, rather than the provisions of this measure.

I applaud the Council's intent to address this public safety matter. However, the concerns raised by the Office of the Prosecuting Attorney and HPD are valid. The City Council is considering Bill 4 (2009), which would ban the use of mobile electronic devices while operating a motor vehicle. The police contend that this total prohibition would be more enforceable and acceptable than Bill 67 (2008), and I agree.

RECEIVED

FEB 12 4 28 PM '09

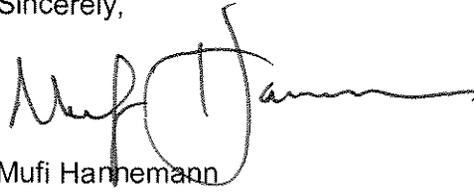
CITY CLERK
HONOLULU, HAWAII

The Honorable Todd Apo, Chair
and Members
February 12, 2009
Page 2

I am encouraged by the direction the Council is taking and look forward to working with you on a timely, practical solution to this issue.

For these reasons, I am hereby sending my veto of Bill 67 (2008), FD1, and urge you to sustain it.

Sincerely,

A handwritten signature in black ink, appearing to read "Mufi Hannemann". The signature is fluid and cursive, with a large, prominent "H" and a long, sweeping tail.

Mufi Hannemann
Mayor



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 certain uses of 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. Electronic devices.”

(a) As used in this section:

“Operating a motor vehicle” means operating a motor vehicle in motion.

“Video games” are any of various games that may be played by use of a hand-held electronic device.

“Write, send, or read a text-based communication” means using an electronic wireless communications device to manually communicate with any person using text-based communication, including, but not limited to, communications referred to as text messaging, instant messaging, and electronic mail.

(b) No person shall engage in the following activities while operating a motor vehicle:

1. Write, send, or read a text-based communication; or
2. Play video games.

(c) For purposes of this section, a person shall not be deemed to be writing, reading, or sending a text-based communication if the person reads, selects, or enters a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call.”



A BILL FOR AN ORDINANCE

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.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Charles Djou

DATE OF INTRODUCTION:

November 06, 2008
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Muanaoana
Deputy Corporation Counsel

DIS APPROVED this 12th day of February, 2009.

Mufi Hannemann - vetoed
MUFU HANNEMANN, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE

BILL 67 (2008), FD1

Introduced: 11/06/08 By: CHARLES DJOU (BR)

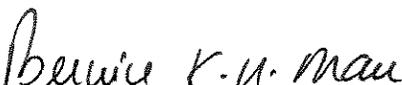
Committee: PUBLIC SAFETY & SERVICES

Title: A BILL FOR AN ORDINANCE RELATING TO THE USE OF ELECTRONIC DEVICES WHILE OPERATING MOTOR VEHICLES.

Links: [BILL 67 \(2008\)](#)
[BILL 67 \(2008\), FD1](#)
[CR-350](#)

COUNCIL	11/12/08	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON TRANSPORTATION AND PUBLIC WORKS.
	APO Y	CACHOLA Y DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI Y	MARSHALL E OKINO Y TAM Y
TRANSPORTATION AND PUBLIC WORKS	11/20/08	CR-350 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
PUBLISH	11/22/08	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
COUNCIL/PUBLIC HEARING	12/03/08	CR-350 ADOPTED, BILL AMENDED ON COUNCIL FLOOR AND SUBSEQUENTLY PASSED SECOND READING AS BILL 67 (2008), FD1, PUBLIC HEARING CLOSED AND REFERRED TO TRANSPORTATION AND PUBLIC WORKS COMMITTEE.
	APO Y	CACHOLA Y DELA CRUZ Y DJOU Y GARCIA Y
	KOBAYASHI Y	MARSHALL E OKINO Y TAM Y
PUBLISH	12/24/08	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
	01/05/09	CC-002 (2009) BILL RE-REFERRED FROM TRANSPORTATION AND PUBLIC WORKS COMMITTEE TO PUBLIC SAFETY AND SERVICES COMMITTEE.
PUBLIC SAFETY AND SERVICES	01/15/09	CR-20 (2009) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
COUNCIL	01/28/09	CR-20 (2009) ADOPTED AND BILL 67 (2008), FD1 PASSED THIRD READING.
	APO Y	BAINUM Y CACHOLA Y DELA CRUZ Y DJOU Y
	GARCIA Y	MARSHALL A OKINO Y TAM N

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


BERNICE K. N. MAU, ACTING CITY CLERK


TODD K. APO, CHAIR AND PRESIDING OFFICER