



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 engage in the following activities while operating a motor vehicle:

- (1) Using a mobile electronic device up to or near one's ear;
- (2) Writing, sending, or reading a text-based communication on a mobile electronic device; or
- (3) Playing video games or watching video for entertainment purposes.

(b) Such activity for the sole purpose of making a "911" emergency communication shall be an affirmative defense to this ordinance.

(c) Emergency responders while acting in the performance and scope of their official duties shall be exempt from the provisions of subsection (a).

(d) As used in this section:

"Emergency responders" include fire fighters, emergency medical service 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 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



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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 to drive or assume actual physical control of a vehicle in motion upon a public way, street, road, or highway.

"Video games" include any of the various games that may be played using a mobile electronic device.

"Write, send, or read a text-based communication" means using an electronic wireless communications device for text-based communication, including, but not limited to, communications referred to as text messaging, instant messaging, electronic mail and internet or other web-based activities."

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 upon its approval.

INTRODUCED BY:

Rod Tam

Donovan Dela Cruz

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DATE OF INTRODUCTION:

January 28, 2009  
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

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Deputy Corporation Counsel

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

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MUFU HANNEMANN, Mayor  
City and County of Honolulu