



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:

Joy S. Kiteoka
Deputy Corporation Counsel

APPROVED this 7th day of May, 2009.

Mufi Hannemann
MUFU HANNEMANN, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 09 - 6

BILL 4 (2009), CD2, FD1

Introduced: 01/28/09 By: ROD TAM

Committee: TRANSPORTATION
AND PLANNING

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

Links: [BILL 4 \(2009\)](#)
[BILL 4 \(2009\), CD1](#)
[BILL 4 \(2009\), CD2](#)
[BILL 4 \(2009\), CD2, FD1](#)
[CR-95](#)
[CR-129](#)

NOTE: COUNCILMEMBER BARBARA MARSHALL PASSED AWAY ON SUNDAY, FEBRUARY 22, 2009. ALTHOUGH THERE IS A VACANCY, THE COUNCIL CONTINUES TO OPERATE IN ACCORDANCE WITH THE 9 MEMBERS IT IS ENTITLED TO PURSUANT TO SECTION 3-102, REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973, AS AMENDED. HOWEVER, THE CERTIFICATE WILL NOT REFLECT THE VACANCY ON THE VOTE RECORDED FOR THIS ITEM.

COUNCIL	02/25/09	BILL PASSED FIRST READING AND REFERRED TO THE COMMITTEE ON TRANSPORTATION AND PLANNING.
	APO Y GARCIA Y	BAINUM Y OKINO Y
		CACHOLA Y TAM Y
		DELA CRUZ Y DJOU A
TRANSPORTATION AND PLANNING	03/05/09	CR-95 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FROM.
PUBLISH	03/07/09	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
COUNCIL/PUBLIC HEARING	03/18/09	CR-95 ADOPTED. BILL PASSED SECOND READING AS AMENDED (BILL 4 (2009), CD1), PUBLIC HEARING CLOSED AND REFERRED TO TRANSPORTATION AND PLANNING COMMITTEE.
	APO Y GARCIA Y	BAINUM Y OKINO Y
		CACHOLA Y TAM Y
		DELA CRUZ Y DJOU Y
PUBLISH	03/23/09	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.
TRANSPORTATION AND PLANNING	04/09/09	CR-129 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.

COUNCIL 04/22/09 NOTE: PROPOSED FD1 VERSION (OCS/041509/03:14/HM) AS POSTED ON THE AGENDA WAS NOT CONSIDERED.

BILL 4 (2009), CD2 WAS AMENDED TO FD1 (OCS/041609/10:16/HM).

APO	Y	BAINUM	Y	CACHOLA	Y	DELA CRUZ	Y	DJOU	A
GARCIA	Y	OKINO	Y	TAM	Y				

CR-129 WAS ADOPTED AND BILL 4 (2009), CD2, FD1 PASSED THIRD READING.

APO	N	BAINUM	Y	CACHOLA	Y	DELA CRUZ	Y	DJOU	A
GARCIA	Y	OKINO	Y	TAM	Y				

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

BERNICE K. N. MAU, ACTING CITY CLERK

Todd K. Aso

TODD K. ASO, CHAIR AND PRESIDING OFFICER