

A BILL FOR AN ORDINANCE

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.]~~ No pedestrian shall cross a street or highway while viewing a mobile electronic device.
- (b) ~~[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) that the cited person was engaged in making a "911" emergency communication with a mobile electronic device.
- (c) ~~[The following persons shall be exempt from the provisions of subsection (a):~~
 - ~~(1)]~~ Emergency responders [using] 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.]~~ are exempt from subsection (a).
- (d) Any person violating this section will be subject to the following fines:
 - (1) For a first violation: A fine of not less than \$15.00, but not more than \$35.00;
 - (2) For a second violation committed within one year after the date of the first violation: A fine of not less than \$35.00, but not more than \$75.00; and



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(3) For a third or subsequent violation that is within one year after the date of the first violation: A fine of not less than \$75.00, but not more than \$99.00.

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

"Emergency responders" include firefighters, emergency medical technicians, mobile intensive care technicians, [~~civil defense workers,~~] emergency management 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.~~]

["Operate" a motor vehicle means the same as 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.



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

INTRODUCED BY:

Brandon Elefante

DATE OF INTRODUCTION:

January 12, 2017
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel Leslie P. Chinn

APPROVED this 27th day of July, 20 17.

KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
C E R T I F I C A T E

ORDINANCE 17-39

BILL 6 (2017), CD2, FD2

Introduced: 01/12/17 By: BRANDON ELEFANTE

Committee: PUBLIC HEALTH, SAFETY
AND WELFARE

Title: A BILL FOR AN ORDINANCE RELATING TO MOBILE ELECTRONIC DEVICES.

Voting Legend: * = Aye w/Reservations

01/25/17	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON TRANSPORTATION AND PLANNING. 7 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE. 2 ABSENT: MARTIN, OZAWA.
		<u>CC-62</u> ELEFANTE – BILL RE-REFERRED FROM COMMITTEE ON TRANSPORTATION AND PLANNING TO COMMITTEE ON PUBLIC HEALTH, SAFETY AND WELFARE.
03/07/17	PUBLIC HEALTH, SAFETY AND WELFARE	CR-73 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.
03/11/17	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
03/22/17	COUNCIL/PUBLIC HEARING	CR-73 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, SAFETY AND WELFARE. 7 AYES: ANDERSON, ELEFANTE, FUKUNAGA, MANAHAN, MENOR, OZAWA*, PINE. 2 NOES: KOBAYASHI, MARTIN.
03/31/17	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
05/02/17	PUBLIC HEALTH, SAFETY AND WELFARE	BILL AMENDED TO CD2 AND DEFERRED.
05/23/17	PUBLIC HEALTH, SAFETY AND WELFARE	CR-211 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM.
06/07/17	COUNCIL	BILL AMENDED TO ORAL FD1. 5 AYES: FUKUNAGA, KOBAYASHI, MARTIN, OZAWA, PINE. 4 NOES: ANDERSON, ELEFANTE, MANAHAN, MENOR. NOTE: PURSUANT TO COUNCIL RULE 19.E, FINAL ACTION ON CR-211 AND BILL 6 (2017), CD2, FD1 WILL BE TAKEN AT THE JULY 12, 2017 COUNCIL MEETING.

07/12/17 COUNCIL

BILL AMENDED TO HAND-CARRIED FD2.

9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

CR-211 ADOPTED AND BILL 6 (2017), CD2, FD2 PASSED THIRD READING.

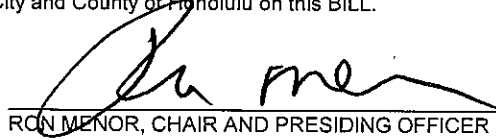
7 AYES: ANDERSON, ELEFANTE, FUKUNAGA, MANAHAN, MENOR, OZAWA, PINE.

2 NOES: KOBAYASHI, MARTIN.

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.



GLEN I. TAKAHASHI, CITY CLERK



RON MENOR, CHAIR AND PRESIDING OFFICER