

ORDINANCE NO. _____

BILL NO. _____ (2009)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.52,
MAUI COUNTY CODE, PERTAINING TO THE USE OF
MOBILE ELECTRONIC DEVICES WHILE DRIVING

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 10.52, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

"10.52.260 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 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; and

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 or data communication between two or more persons or of providing amusement, including a cellular phone, text messaging device, paging device, personal digital assistance device, laptop computer, video game, or digital photographic device, but not including any audio equipment, navigation equipment, or equipment

installed in a motor vehicle for the purpose of providing emergency assistance for the operator of the motor vehicle or video entertainment for passengers in the rear seats of the vehicle.

"Motor vehicle" has the same meaning as in section 291E-1, Hawaii Revised Statutes.


"Operate" has the same meaning as in section 291E-1, Hawaii Revised Statutes.

"Use or using" means holding a mobile electronic device while operating a motor vehicle."

SECTION 2. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 3. This ordinance shall take effect on January 1, 2010.

APPROVED AS TO FORM
AND LEGALITY:



DAVID A. GALAZIN
Deputy Corporation Counsel
County of Maui

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