

ORDINANCE NO. _____

BILL NO. 40 (2010)

Draft 1

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 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 who:

a. Are operating fleet vehicles;

b. Possess a commercial driver's license, pursuant to section 286-239, Hawaii Revised Statutes; or

c. Possess a commercial driver's license instructional permit, pursuant to section 286-236, Hawaii Revised Statutes; 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. Drivers who hold an instructional permit pursuant to section 286-110, Hawaii Revised Statutes, or a provisional license pursuant to section 286-102.6, Hawaii Revised Statutes, shall be further prohibited from using any hands-free technology to assist with the use of a mobile electronic device.

E. 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 upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



DAVID A. GALAZIN

Deputy Corporation Counsel
County of Maui

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