

## Hams exempt from new cellphone law

Contributed by News Editor  
Sunday, 22 November 2009

The Hawai'i Police Department is reminding the public that officers will begin to issue traffic citations in January for motorists who use an electronic mobile device while driving.

In August, the Hawai'i County Council passed County Ordinance 09-82A, which will make it illegal to use a cell phone or other mobile electronic device while driving - except with a hands-free mechanism.

The ordinance was signed into law by the mayor. It takes effect on January 1, 2010.

The penalty for violating the ordinance is a fine of up to \$150 dollars. The fine can go up to as much as \$500 if the use of a mobile electronic device causes a collision.

The penalties will not apply to:

- emergency responders using a mobile electronic device in the performance of their job.
- drivers using two-way radios for work-related duties.
- drivers holding a valid amateur radio operator license issued by the FCC and using half-duplex two-way radio.

The ban includes but is not limited to:

- cell phones.
- text messaging devices.
- paging devices.
- personal digital assistants.
- laptop computers.
- video games.
- digital cameras.

It does not include audio equipment or equipment installed in a vehicle to provide navigation or emergency assistance to the driver, or video entertainment for back-seat passengers.

According to the ordinance, the use of a cell phone to make an emergency 911 call shall be an "affirmative defense." That means it is not illegal to make a 911 call on a cell phone but a driver who claims to have been doing so might still be cited and have to prove that a legitimate 911 call was made.

Police urge the public to be aware of this new law. It is designed to reduce driver distraction and make our roadways safer.