



SF 547 – Distracted Driving (LSB1071SZ)

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Fiscal Note Version – New

Description

[Senate File 547](#) prohibits any use of an electronic device while driving. The Bill defines an electronic device as a device that is powered by electricity, including by a battery, that is capable of composing, sending, receiving, or reading messages and storing, retrieving, or displaying videos, movies, or images.

Use of an electronic device includes but is not limited to holding, viewing, or manipulating an electronic device. Under the Bill, use of an electronic device would be a moving violation. The Bill increases the scheduled fine for this violation from \$45 to \$100. A moving violation can be considered for purposes of administrative suspension of a driver’s license or to establish habitual offender status.

Single Citation — SF 547	
Penalty	\$ 100.00
Surcharge (15.0%)	15.00
Court Cost	55.00
Total	\$ 170.00

The Bill allows use of an electronic device under the following circumstances:

- Use if the vehicle is at a complete stop off the roadway or as far away from the center of the roadway if the vehicle cannot be entirely removed from the traveled portion of the roadway.
- Use in voice-activated or hands-free mode.
- Use by members of a public safety agency performing official duties.
- Use by health care professionals in the course of emergency situations.
- Use to receive safety-related information.
- Use to report an emergency situation, including maintaining communication with emergency personnel during the emergency situation, or public transit personnel responding to a transit-specific situation.
- Use by persons operating an implement of husbandry.
- Use by certain radio operators.
- Use by members of a public transit system performing official duties in a vehicle that is not in motion.
- Use by a utility maintenance employee or contractor using an electronic device while in a utility maintenance vehicle for the purpose of providing utility services.
- Use by a transportation network company driver engaged in a prearranged ride, provided the vehicle is not in motion.
- Use by a person to access or use a fleet management system.

A peace officer is required to issue a warning memorandum in lieu of a citation for violations that occur during the period between July 1, 2023, the effective date of the Bill, and January 1, 2024.

Background

Current law prohibits the use of hand-held electronic communication devices to write, send, or view electronic messages while driving a motor vehicle. The fine for this violation is currently \$45. The violation is not considered a moving violation. Persons under the age of 18 are currently prohibited from using an electronic communication device while driving a motor vehicle (Iowa Code section [321.178](#)). Convictions under Iowa Code section [321.276](#) for using an electronic communication device while driving a motor vehicle totaled 1,311 in FY 2022 and 1,458 in FY 2021.

Single Citation — Current Law		
Penalty	\$	45.00
Surcharge (15.0%)		6.75
Court Cost		55.00
Total	\$	106.75

Under Iowa Code section [602.8106](#)(4)(b), scheduled fine revenue for a State law violation is distributed as follows: 91.0% to the State and 9.0% to the general fund of the county in which the violation occurred. For the State share of citations, 1.3% is distributed to the Emergency Medical Services (EMS) Fund and 98.7% is distributed to the State General Fund.

In addition to the scheduled fine, a Crime Services Surcharge, equal to 15.0% of the fine, and a \$55 fee for court costs are also imposed. The Crime Services Surcharge is remitted to the State Court Administrator and is distributed as follows: 46.0% to the Juvenile Detention Home Fund; 32.0% to the Victim Compensation Fund; 20.0% to the Criminalistics Laboratory Fund; and 2.0% to the Drug Abuse Resistance Education (DARE) Fund. The fee assessed for court costs is deposited into the State General Fund.

According to the National Conference of State Legislatures (NCSL) [State Cellphone Use While Driving Laws](#) dashboard, 24 states currently prohibit all drivers from using hand-held cellphones while driving.

Assumptions

- The number of Iowa citations under current law for FY 2023 is estimated to total 1,385, which is similar to the average number of citations over the previous two years.
- The State of Indiana was utilized as a benchmark as the State enacted a law for hands-free devices beginning in July 2020. Between 2021 and 2022, the State averaged 5,966 violations per year excluding formal warnings. Indiana has 4.5 million drivers. Indiana's citation rate (excluding warnings) was 131.6 per 100,000 licensed drivers.
- It is estimated there will be an increase in annual convictions under SF 547 for using an electronic device while driving. Iowa has 2.3 million drivers. It is assumed that the number of annual citations issued under SF 547 will total 2,986, which is similar to the rate of citations issued annually in Indiana from 2021 to 2022. However, the estimated number of citations issued during FY 2024 will total 1,493 as a result of the requirement in SF 547 that warning memorandums be issued in lieu of citations in the first half of FY 2024.
- The collection rate for scheduled violations is estimated at 58.0%.

Fiscal Impact

Senate File 547 is estimated to increase State General Fund revenue by \$7,000 in FY 2024 and increase revenue by \$212,000 per year beginning in FY 2025 compared to estimated FY 2023. Revenue may increase in future years if fewer warnings are given in lieu of tickets. The fiscal impact on other funding sources and the counties is shown in **Table 1**.

Table 1 — Estimated Revenue, Current Law vs SF 547					
	Current Law Est. FY 2023	FY 2024	FY 2024 vs FY 2023	FY 2025	FY 2025 vs FY 2023
General Fund					
Penalty Revenue	\$ 32,971	\$ 78,983	\$ 46,012	\$ 157,966	\$ 124,995
Court Fee	44,867	48,366	3,499	96,731	51,864
Subtotal	\$ 77,838	\$ 127,349	\$ 49,510	\$ 254,697	\$ 176,859
Surcharge					
Juvenile Detention	\$ 2,533	\$ 6,068	\$ 3,535	\$ 12,135	\$ 9,602
Victim Compensation	1,762	4,221	2,459	8,442	6,680
Crime Lab	1,101	2,638	1,537	5,276	4,175
DARE	110	264	154	528	417
Subtotal	\$ 5,506	\$ 13,191	\$ 7,684	\$ 26,381	\$ 20,875
Other					
County General Funds	\$ 3,304	\$ 7,914	\$ 4,611	\$ 15,829	\$ 12,525
EMS Fund	434	1,040	606	2,081	1,646
Total	\$ 87,083	\$ 149,494	\$ 62,411	\$ 298,988	\$ 211,905

Sources

LSA calculations
 Department of Transportation
 Department of Human Rights, Criminal and Juvenile Justice Planning Division
 National Conference of State Legislatures
 State of Indiana
 Federal Highway Administration

/s/ Jennifer Acton

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.