

Senate Study Bill 3016 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to traffic violations and enforcement,
2 including the use of an electronic device in a
3 voice-activated or hands-free mode while driving and the use
4 of automated or remote systems for traffic law enforcement,
5 providing penalties, making penalties applicable, and
6 including effective date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

USE OF ELECTRONIC DEVICES WHILE DRIVING

1
2 Section 1. Section 321.178, subsection 2, paragraph
3 a, subparagraph (2), Code 2024, is amended by striking the
4
5 subparagraph.

6 Sec. 2. Section 321.178, subsection 2, paragraphs b and c,
7 Code 2024, are amended to read as follows:

8 ~~b. The department may suspend a restricted driver's license~~
9 ~~issued under [this section](#) upon receiving satisfactory evidence~~
10 ~~that the licensee has violated the restrictions imposed under~~
11 ~~paragraph "a", subparagraph (2), subparagraph division (a).~~
12 The department may also suspend a restricted license issued
13 under [this section](#) upon receiving a record of the person's
14 conviction for one violation and shall revoke the license upon
15 receiving a record of conviction for two or more violations
16 of a law of this state or a city ordinance regulating the
17 operation of motor vehicles on highways, other than parking
18 violations as defined in [section 321.210](#). After revoking a
19 license under [this section](#) the department shall not grant an
20 application for a new license or permit until the expiration
21 of one year or until the person attains the age of eighteen,
22 whichever is the longer period.

23 ~~c. A person who violates the restrictions imposed under~~
24 ~~paragraph "a", subparagraph (2), subparagraph division (a),~~
25 ~~may be issued a citation under [this section](#) and shall not be~~
26 ~~issued a citation under [section 321.193](#). A violation of the~~
27 ~~restrictions imposed under paragraph "a", subparagraph (2),~~
28 ~~subparagraph division (a), shall not be considered a moving~~
29 ~~violation.~~

30 Sec. 3. Section 321.180B, subsection 3, paragraph b, Code
31 2024, is amended to read as follows:

32 b. The department may suspend an instruction permit,
33 intermediate license, or full license issued under [this section](#)
34 upon receiving satisfactory evidence that the person issued
35 the instruction permit, intermediate license, or full license

1 violated the restrictions imposed under subsection ~~17~~ or 27 ~~or~~
2 ~~6~~ during the term of the instruction permit or intermediate
3 license.

4 Sec. 4. Section 321.180B, subsection 6, Code 2024, is
5 amended by striking the subsection.

6 Sec. 5. Section 321.180B, subsection 7, Code 2024, is
7 amended to read as follows:

8 7. *Citations for violation of restrictions.* A person who
9 violates the restrictions imposed under subsection ~~17~~ or 27 ~~or~~
10 ~~6~~ may be issued a citation under [this section](#) and shall not be
11 issued a citation under [section 321.193](#). A violation of the
12 restrictions imposed under [subsection 17](#) or 27 ~~or 6~~ shall not
13 be considered a moving violation.

14 Sec. 6. Section 321.194, subsection 2, paragraph b,
15 subparagraph (2), Code 2024, is amended by striking the
16 subparagraph.

17 Sec. 7. Section 321.210, subsection 2, paragraph e, Code
18 2024, is amended by striking the paragraph.

19 Sec. 8. Section 321.238, Code 2024, is amended to read as
20 follows:

21 **321.238 Use of electronic devices while driving — preemption**
22 **of local legislation.**

23 The provisions of [this chapter](#) restricting the use of
24 electronic ~~communication devices and electronic entertainment~~
25 devices by motor vehicle operators shall be implemented
26 uniformly throughout the state. Such provisions shall preempt
27 any county or municipal ordinance regarding the use of an
28 electronic ~~communication device or electronic entertainment~~
29 device by a motor vehicle operator. In addition, a county or
30 municipality shall not adopt or continue in effect an ordinance
31 regarding the use of an electronic ~~communication device or~~
32 ~~electronic entertainment~~ device by a motor vehicle operator.

33 Sec. 9. Section 321.276, subsection 1, Code 2024, is amended
34 by striking the subsection and inserting in lieu thereof the
35 following:

1 1. For purposes of this section:

2 a. *“Electronic device”* means a device that is powered by
3 electricity, including by a battery, and that is capable of
4 being used to compose, send, receive, or read an electronic
5 message, or that is capable of storing, retrieving on-demand,
6 or displaying videos, movies, broadcast television images,
7 visual images, or audio or video data files. *“Electronic*
8 *device”* includes but is not limited to a telephone including
9 a cellular telephone, personal digital assistant, portable
10 or mobile computer including a tablet, two-way messaging
11 device, electronic gaming device, and any substantially similar
12 portable device that is used to initiate, store, or receive
13 electronic communication, information, or data. *“Electronic*
14 *device”* does not include a device that is physically or
15 electronically integrated into a motor vehicle, including but
16 not limited to an integrated global positioning system or
17 navigation system when the destination is entered into such
18 system before the vehicle is in motion.

19 b. *“Use”* includes but is not limited to holding, viewing, or
20 manipulating an electronic device.

21 c. *“Voice-activated or hands-free mode”* means an attachment,
22 accessory, application, wireless connection, or built-in
23 feature of an electronic device or motor vehicle that allows
24 a person to use verbal commands or a single touch to activate
25 or deactivate the device or a function or software application
26 of the device. *“Voice-activated or hands-free mode”* does not
27 include accessing nonnavigation video content, engaging in a
28 video call, accessing or engaging in video streaming, accessing
29 gaming data, or reading an electronic message or notification.

30 Sec. 10. Section 321.276, subsections 2, 3, and 4, Code
31 2024, are amended to read as follows:

32 2. A person shall not use a ~~hand-held~~ an electronic
33 ~~communication device to write, send, or view an electronic~~
34 ~~message~~ while driving a motor vehicle unless the motor vehicle
35 is at a complete stop off the traveled portion of the roadway,

1 or as far away from the center of the roadway as is practicable
2 if the vehicle cannot be entirely removed from the traveled
3 portion of the roadway.

4 a. A person does not violate this section by using a ~~global~~
5 ~~positioning system or navigation system or when, for the~~
6 ~~purpose of engaging in a call, the person selects or enters a~~
7 ~~telephone number or name in a hand-held mobile telephone or~~
8 ~~activates, deactivates, or initiates a function of a hand-held~~
9 ~~mobile telephone~~ an electronic device in a voice-activated or
10 hands-free mode.

11 b. The provisions of this subsection relating to ~~writing,~~
12 ~~sending, or viewing an electronic message~~ the use of an
13 electronic device do not apply to the following persons:

14 (1) A member of a public safety agency, as defined in
15 section 34.1, performing official duties.

16 (2) A health care professional in the course of an emergency
17 situation.

18 (3) A person receiving safety-related information including
19 emergency, ~~traffic,~~ or weather alerts.

20 (4) A person using an electronic device for the purpose
21 of reporting an emergency situation, including any continued
22 communication with emergency personnel during the emergency
23 situation, or public transit personnel responding to a
24 transit-specific situation.

25 (5) A person operating an implement of husbandry.

26 (6) A person using a two-way radio transmitter or receiver
27 who is licensed with the federal communications commission in
28 amateur radio service.

29 (7) A member of a public transit system, as defined in
30 section 324A.1, performing official duties while in a vehicle
31 that is not in motion.

32 (8) A utility maintenance employee or contractor using
33 an electronic device while in a utility maintenance vehicle,
34 for the purpose of providing utility services including
35 but not limited to cable, electric, natural gas, telephone,

1 telecommunication, water, and wastewater treatment services,
2 provided the employee or contractor is acting within the scope
3 of their employment or agency.

4 (9) A transportation network company driver, as defined in
5 section 321N.1, while engaged in a prearranged ride, as defined
6 in section 321N.1, provided the vehicle is not in motion.

7 (10) A person using an electronic device for the purpose of
8 accessing or using a fleet management system.

9 3. Nothing in this section shall be construed to authorize
10 a peace officer to confiscate a ~~hand-held~~ an electronic
11 ~~communication~~ device from the driver or occupant of a motor
12 vehicle.

13 4. a. A person convicted of a violation of this section
14 is guilty of a simple misdemeanor punishable as a scheduled
15 violation under section 805.8A, subsection 14, paragraph "1".

16 b. A violation of this section shall ~~not~~ be considered a
17 moving violation for purposes of this chapter ~~or~~ and rules
18 adopted pursuant to this chapter.

19 c. Notwithstanding paragraphs "a" and "b", a peace officer
20 shall issue a warning memorandum in lieu of a citation to a
21 person for violating this section. This paragraph is repealed
22 January 1, 2025.

23 Sec. 11. Section 321.482A, unnumbered paragraph 1, Code
24 2024, is amended to read as follows:

25 Notwithstanding section 321.482, a person who is convicted
26 of operating a motor vehicle in violation of ~~section 321.178,~~
27 ~~subsection 2, paragraph "a", subparagraph (2), section~~
28 ~~321.180B, subsection 6, section 321.194, subsection 2,~~
29 ~~paragraph "b", subparagraph (2), section 321.256, 321.257,~~
30 section 321.275, subsection 4, section 321.276, 321.297,
31 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306,
32 321.307, 321.311, 321.319, 321.320, 321.321, 321.322, 321.323,
33 321.324, 321.324A, 321.327, 321.329, 321.333, section 321.372,
34 subsection 3, or section 321.449B, causing serious injury to
35 or the death of another person may be subject to the following

1 penalties in addition to the penalty provided for a scheduled
2 violation in [section 805.8A](#) or any other penalty provided by
3 law:

4 Sec. 12. Section 321.555, subsection 2, Code 2024, is
5 amended to read as follows:

6 2. Six or more of any separate and distinct offenses within
7 a two-year period in the operation of a motor vehicle, which
8 are required to be reported to the department by section
9 321.491 or [chapter 321C](#), except equipment violations, parking
10 violations as defined in [section 321.210](#), violations of
11 registration laws, violations of [sections 321.445](#) and [321.446](#),
12 ~~violations of [section 321.276](#)~~, operating a vehicle with an
13 expired license or permit, failure to appear, weights and
14 measures violations and speeding violations of less than
15 fifteen miles per hour over the legal speed limit.

16 Sec. 13. Section 707.6A, subsection 2, paragraph a,
17 subparagraphs (1), (2), and (3), Code 2024, are amended by
18 striking the subparagraphs and inserting in lieu thereof the
19 following:

20 (1) For purposes of this paragraph "a", a person's use of
21 an electronic device while driving a motor vehicle shall be
22 considered prima facie evidence that the person was driving
23 the motor vehicle in a reckless manner with willful or wanton
24 disregard for the safety of persons or property, in violation
25 of section 321.277.

26 (2) Subparagraph (1) does not apply to any of the following:

27 (a) A person using an electronic device in a voice-activated
28 or hands-free mode.

29 (b) A person listed in section 321.276, subsection 2,
30 paragraph "b".

31 (3) For purposes of this paragraph "a", the following
32 definitions apply:

33 (a) "Electronic device" means the same as defined in section
34 321.276.

35 (b) "Use" means the same as defined in section 321.276.

1 (c) "Voice-activated or hands-free mode" means the same as
2 defined in section 321.276.

3 Sec. 14. Section 805.8A, subsection 4, paragraph c, Code
4 2024, is amended by striking the paragraph.

5 Sec. 15. Section 805.8A, subsection 14, paragraph 1, Code
6 2024, is amended to read as follows:

7 1. ~~Writing, sending, or viewing an~~ Use of electronic message
8 device while driving violations. For violations under section
9 321.276, the scheduled fine is ~~forty-five~~ one hundred dollars.

10 DIVISION II

11 AUTOMATIC TRAFFIC ENFORCEMENT PROHIBITED

12 Sec. 16. NEW SECTION. 321.492C Use of automated or remote
13 systems for traffic law enforcement prohibited — sharing related
14 information prohibited.

15 1. The state or a local authority shall not place or cause
16 to be placed on or adjacent to a highway, or maintain or employ
17 the use of, any automated or remote system for traffic law
18 enforcement.

19 2. The department of transportation and the department of
20 public safety shall not share or provide information used to
21 impose or collect a civil penalty that results from a violation
22 captured by an automated or remote system for traffic law
23 enforcement through any existing interstate compact that does
24 not specifically allow or require information to be shared or
25 provided for that explicit purpose.

26 3. For purposes of this section, "automated or remote system
27 for traffic law enforcement" means a camera or other optical
28 device designed to work in conjunction with an official traffic
29 control signal or speed measuring device to identify motor
30 vehicles operating in violation of traffic laws, the use of
31 which results in the issuance of citations sent through the
32 mail or by electronic means.

33 Sec. 17. REMOVAL OF AUTOMATED OR REMOTE SYSTEMS FOR TRAFFIC
34 LAW ENFORCEMENT — VALIDITY OF PRIOR CITATIONS. Prior to July
35 1, 2025, a local authority using an automated or remote system

1 for traffic law enforcement shall discontinue using the system
2 and remove the system equipment. On and after July 1, 2025,
3 all local ordinances authorizing the use of automated or remote
4 systems for traffic law enforcement are void. However, any
5 citation issued or mailed pursuant to such an ordinance prior
6 to July 1, 2025, shall not be invalidated by the enactment of
7 this division of this Act and shall be processed according to
8 the provisions of law under which the citation was authorized.

9 Sec. 18. EFFECTIVE DATE. The section of this division of
10 this Act enacting section 321.492C takes effect July 1, 2025.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 USE OF ELECTRONIC DEVICES WHILE DRIVING. Under current law,
15 Code section 321.276 prohibits the use of hand-held electronic
16 communication devices to write, send, or view electronic
17 messages while driving a motor vehicle. This bill expands Code
18 section 321.276 to prohibit any use of an electronic device
19 while driving. The bill defines the terms "electronic device",
20 "use", and "voice-activated or hands-free mode". The bill
21 allows the use of an electronic device if the vehicle is at a
22 complete stop off the traveled portion of the roadway, or as
23 far away from the center of the roadway as is practicable if
24 the vehicle cannot be entirely removed.

25 The bill provides exceptions for the use of an electronic
26 device in a voice-activated or hands-free mode, for members of
27 a public safety agency performing official duties, for health
28 care professionals in the course of emergency situations,
29 for the purpose of receiving safety-related information,
30 for the purpose of reporting an emergency situation, for
31 persons operating an implement of husbandry, for certain radio
32 operators, for members of a public transit system performing
33 official duties while in a vehicle that is not in motion, for
34 utility maintenance employees or contractors for the purpose of
35 providing utility services, for transportation network company

1 drivers engaged in a prearranged ride while the vehicle is
2 not in motion, and for persons using an electronic device for
3 the purpose of accessing or using a fleet management system.
4 Under current law, to be considered an implement of husbandry,
5 a vehicle must be manufactured, designed, or reconstructed
6 for agricultural purposes, exclusively used in the conduct
7 of agricultural operations except for incidental uses, and
8 operated at speeds of 35 miles per hour or less.

9 The bill makes a violation of Code section 321.276 a moving
10 violation. Under current law, a moving violation can be
11 considered for purposes of administrative suspension of a
12 driver's license (Code section 321.210; 761 IAC 615.12) or to
13 establish habitual offender status (Code section 321.555).
14 However, a peace officer is required to issue a warning
15 memorandum in lieu of a citation for violations that occur
16 during the period between the effective date of the bill and
17 January 1, 2025.

18 The bill increases the scheduled fine for a violation of Code
19 section 321.276 from \$45 to \$100. Under Code section 321.482A,
20 if a person is convicted for a violation and the violation
21 causes a serious injury, a court could impose an additional
22 fine of \$500 or suspend the person's driver's license for not
23 more than 90 days, or both. If a person is convicted for a
24 violation and the violation causes a death, a court could
25 impose an additional fine of \$1,000 or suspend the person's
26 driver's license for not more than 180 days, or both. By
27 operation of law, a person issued a warning memorandum under
28 the bill is not subject to the enhanced penalties under Code
29 section 321.482A.

30 The bill makes corresponding changes to Code sections
31 321.238 (preemption of local legislation) and 707.6A (homicide
32 or serious injury by vehicle) to align those provisions to the
33 provisions of Code section 321.276 as amended by the bill.
34 The bill also makes corresponding changes to Code sections
35 321.178, 321.180B, and 321.194, by striking provisions relating

1 to the use of electronic communication devices while driving
2 by persons under the age of 18 who are issued certain types
3 of driver's licenses, thereby making Code section 321.276 as
4 amended by the bill applicable to such persons.

5 AUTOMATED TRAFFIC ENFORCEMENT PROHIBITED. On and after July
6 1, 2025, the bill prohibits the state or a local authority from
7 placing or causing to be placed on or adjacent to a highway, or
8 maintaining or employing the use of, any automated or remote
9 system for traffic law enforcement (ATE system). The bill also
10 prohibits the department of transportation and the department
11 of public safety from providing information used to impose or
12 collect a civil penalty that results from a violation captured
13 by an ATE system through an existing interstate compact
14 agreement unless the agreement specifically allows or requires
15 that information to be shared or provided for that specific
16 purpose.

17 The bill defines "automated or remote system for traffic law
18 enforcement" to mean a camera or other optical device designed
19 to work in conjunction with an official traffic control signal
20 or speed measuring device to identify motor vehicles operating
21 in violation of traffic laws, the use of which results in the
22 issuance of citations sent through the mail or by electronic
23 means.

24 The bill requires that prior to July 1, 2025, a local
25 authority using an ATE system must discontinue using the system
26 and remove the system equipment. On and after July 1, 2025,
27 all local ordinances authorizing the use of ATE systems are
28 void. However, the bill provides that any citation issued or
29 mailed pursuant to such an ordinance prior to July 1, 2025, is
30 not invalidated by the bill and must be processed according to
31 the provisions of law under which the citation was authorized.