

321.276 Use of electronic communication device while driving — text-messaging.

1. For purposes of this section:

a. “Engage in a call” means talking or listening on a mobile telephone or other portable electronic communication device.

b. “Hand-held electronic communication device” means a mobile telephone or other portable electronic communication device capable of being used to write, send, or read a text message. “Hand-held electronic communication device” does not include a voice-operated or hands-free device which allows the user to write, send, or read a text message without the use of either hand except to activate or deactivate a feature or function. “Hand-held electronic communication device” does not include a wireless communication device used to transmit or receive data as part of a digital dispatch system. “Hand-held electronic communication device” includes a device which is temporarily mounted inside the motor vehicle, unless the device is a voice-operated or hands-free device.

c. “Text message” includes a text-based message, an instant message, and electronic mail.

d. The terms “write”, “send”, and “read”, with respect to a text message, mean the manual entry, transmission, and retrieval of a text message, respectively, to communicate with any other person or device.

2. A person shall not use a hand-held electronic communication device to write, send, or read a text message while driving a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the roadway.

a. A person does not violate this section by using a global positioning system or navigation system or when, for the purpose of engaging in a call, the person selects or enters a telephone number or name in a hand-held mobile telephone or activates, deactivates, or initiates a function of a hand-held mobile telephone.

b. The provisions of this subsection relating to reading a text message do not apply to the following persons:

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

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

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

3. Nothing in this section shall be construed to authorize a peace officer to confiscate a portable electronic communication device from the driver or occupant of a motor vehicle.

4. a. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under section 805.8A, subsection 14, paragraph “l”.

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

5. a. A peace officer shall not stop or detain a person solely for a suspected violation of this section. This section is enforceable by a peace officer only as a secondary action when the driver of a motor vehicle has been stopped or detained for a suspected violation of another provision of this chapter, a local ordinance equivalent to a provision of this chapter, or other law.

b. For the period beginning July 1, 2010, through June 30, 2011, peace officers shall issue only warning citations for violations of this section. The department, in cooperation with the department of public safety, shall establish educational programs to foster compliance with the requirements of this section.

2010 Acts, ch 1105, §6

Additional penalties for violations causing injury or death, see §321.482A

NEW section