

321.276 Use of electronic communication device while driving.

1. For purposes of this section:

a. “*Electronic message*” includes images visible on the screen of a hand-held electronic communication device including a text-based message, an instant message, a portion of electronic mail, an internet site, a social media application, or a game.

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

c. “*Hand-held electronic communication device*” means a mobile telephone or other portable electronic communication device capable of being used to write, send, or view an electronic message. “*Hand-held electronic communication device*” does not include a voice-operated or hands-free device which allows the user to write, send, or view an electronic 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.

d. The terms “*write*”, “*send*”, and “*view*”, with respect to an electronic message, mean the manual entry, transmission, or retrieval of an electronic message, and include playing, browsing, or accessing an electronic message.

2. A person shall not use a hand-held electronic communication device to write, send, or view an electronic 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 writing, sending, or viewing an electronic 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 hand-held 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. 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; 2013 Acts, ch 90, §80; 2017 Acts, ch 75, §1 – 5

Referred to in [§321.210](#), [§321.482A](#), [§321.555](#), [§805.8A\(14\)\(l\)](#)

Additional penalties for violations causing injury or death, see [§321.482A](#)

Subsection 1 amended and paragraphs editorially redesignated

Subsection 2, unnumbered paragraph 1 amended

Subsection 2, paragraph b, unnumbered paragraph 1 amended

Subsection 3 amended

Subsection 5 stricken and former subsection 6 renumbered as 5