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 “I”.
   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.

Referred to in §321.210, §321.482A, §321.553, §905.8A(I)(b)
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