

321.449B Texting or using a mobile telephone while operating a commercial motor vehicle.

1. *a.* A person subject to rules adopted by the department pursuant to [section 321.449](#) shall not operate a commercial motor vehicle while engaged in texting as prohibited by [49 C.F.R. §392.80](#), except in an emergency or as otherwise permitted under [49 C.F.R. §392.80](#).

b. A person subject to rules adopted by the department pursuant to [section 321.449](#) shall not operate a commercial motor vehicle while using a hand-held mobile telephone as prohibited by [49 C.F.R. §392.82](#), except in an emergency or as otherwise permitted under [49 C.F.R. §392.82](#).

2. *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 13](#), paragraph “*b*”.

b. A violation of [this section](#) shall be considered a moving violation for the purposes of [this chapter](#) and rules adopted pursuant to [this chapter](#).

c. A conviction for a violation of [this section](#) shall be in lieu of a conviction for a violation of [section 321.276](#) if the violations are based on the same facts and circumstances.

[2018 Acts, ch 1017, §2](#)

Referred to in [§321.482A, 805.8A\(13\)\(b\)](#)

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