

House File 2456

H-8203

1 Amend the amendment, H-8193, to House File 2456 as
2 follows:
3 1. Page 1, by striking lines 2 through 11 and
4 inserting:
5 _____. By striking everything after the enacting
6 clause and inserting:
7 <Section 1. Section 321.210, subsection 2, Code
8 2009, is amended by adding the following new paragraph:
9 NEW PARAGRAPH. e. Violations of section 321.276.
10 Sec. 2. NEW SECTION. 321.276 Use of electronic
11 communications device — persons under age eighteen.
12 1. For purposes of this section:
13 a. "*Electronic communication device*" means a mobile
14 telephone or other electronic communication device
15 capable of being used to engage in a call or to write,
16 send, or read a text message.
17 b. "*Engage in a call*" means talking or listening on
18 a mobile telephone or other electronic communication
19 device.
20 c. "*Text message*" includes a text-based message, an
21 instant message, and electronic mail.
22 d. The terms "*write*", "*send*", and "*read*", with
23 respect to a text message, mean the manual entry,
24 transmission, and retrieval of a text message,
25 respectively, to communicate with any other person or
26 device.
27 2. A person under eighteen year of age shall not
28 use an electronic communication device to engage in
29 a call, to write, send, or read a text message, or
30 for any other purpose while driving a motor vehicle
31 unless the motor vehicle is at a complete stop off the
32 roadway. A person does not violate this section by
33 using a global positioning system or navigation system.
34 3. The provisions of this section shall be
35 implemented uniformly throughout the state. The
36 provisions of this section shall preempt any local
37 county or municipal ordinance regarding the use of an
38 electronic communication device by a motor vehicle
39 operator. In addition, a county or municipality shall
40 not adopt or continue in effect an ordinance regarding
41 the use of an electronic communication device by a
42 motor vehicle operator.
43 4. Nothing in this section shall be construed to
44 authorize a peace officer to confiscate an electronic
45 communication device from the driver or occupant of a
46 motor vehicle.
47 5. a. A person convicted of a violation of this
48 section is guilty of a simple misdemeanor punishable as
49 a scheduled violation under section 805.8A, subsection
50 14, paragraph "k".

1 *b.* A violation of this section shall not be
2 considered a moving violation for purposes of this
3 chapter or rules adopted pursuant to this chapter.
4 6. For the period beginning July 1, 2010, through
5 June 30, 2011, peace officers shall issue only
6 warning citations for violations of this section. The
7 department, in cooperation with the department of
8 public safety, shall establish educational programs
9 to foster compliance with the requirements of this
10 section.

11 Sec. 3. Section 321.482A, unnumbered paragraph 1,
12 Code 2009, is amended to read as follows:

13 Notwithstanding section 321.482, a person who
14 is convicted of operating a motor vehicle in
15 violation of section 321.275, subsection 4, section
16 321.276, 321.297, 321.298, 321.299, 321.302, 321.303,
17 321.304, 321.305, 321.306, 321.307, 321.308, section
18 321.309, subsection 2, or section 321.311, 321.319,
19 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,
20 321.324A, 321.327, 321.329, or 321.333 causing serious
21 injury to or the death of another person may be subject
22 to the following penalties in addition to the penalty
23 provided for a scheduled violation in section 805.8A or
24 any other penalty provided by law:

25 Sec. 4. Section 321.555, subsection 2, Code 2009,
26 is amended to read as follows:

27 2. Six or more of any separate and distinct
28 offenses within a two-year period in the operation of a
29 motor vehicle, which are required to be reported to the
30 department by section 321.491 or chapter 321C, except
31 equipment violations, parking violations as defined
32 in section 321.210, violations of registration laws,
33 violations of sections 321.445 and 321.446, violations
34 of section 321.276, operating a vehicle with an expired
35 license or permit, failure to appear, weights and
36 measures violations and speeding violations of less
37 than fifteen miles per hour over the legal speed limit.

38 Sec. 5. Section 805.8A, subsection 14, Code
39 Supplement 2009, is amended by adding the following new
40 paragraph:

41 NEW PARAGRAPH. *k. Electronic communication device*
42 *violations.* For violations under section 321.276, the
43 scheduled fine is thirty dollars.>

44 _____. Title page, lines 1 and 2, by striking <from
45 writing or sending a text message> and inserting
46 <under eighteen years of age from using an electronic
47 communication device>

48 _____. By renumbering as necessary.>

RANTS of Woodbury
