

Senate File 2289

S-5044

1 Amend Senate File 2289 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. Section 321.210, subsection 2,
5 paragraph e, Code 2014, is amended by striking the
6 paragraph.

7 Sec. 2. Section 321.276, subsections 1 and 2, Code
8 2014, are amended to read as follows:

9 1. For purposes of this section:

10 a. *Engage in a call* means talking or listening
11 on a mobile telephone or other portable electronic
12 communication device.

13 b. ~~Hand-held electronic~~ *Electronic communication*
14 *device* means a mobile telephone, portable or mobile
15 computer, or other portable electronic communication
16 device capable of being used to write compose, send,
17 or read a text an electronic message. ~~Hand-held~~
18 ~~electronic~~ *Electronic communication device* does not
19 include a voice-operated or hands-free device which
20 allows the user to write compose, send, or read a text
21 an electronic message without the use of either hand
22 except to activate or deactivate a feature or function.
23 ~~Hand-held electronic~~ *Electronic communication device*
24 does not include a wireless communication device used
25 to transmit or receive data as part of a digital
26 dispatch system. ~~Hand-held electronic~~ *Electronic*
27 *communication device* includes a device which is
28 temporarily mounted inside the motor vehicle, unless
29 the device is a voice-operated or hands-free device.

30 c. ~~Text~~ *Electronic message* means a self-contained
31 piece of digital communication that is designed
32 or intended or be transmitted by electronic means.
33 *Electronic message* includes but is not limited to a
34 text-based message, an instant message, and electronic
35 mail an electronic mail message, and a communication
36 designed to initiate access to an internet site.

37 d. The terms ~~write~~ *compose*, ~~send~~, and ~~read~~,
38 with respect to a text an electronic message, mean the
39 manual entry, transmission, and retrieval of a text an
40 electronic message, respectively, to communicate with
41 any other person or device.

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

47 a. A person does not violate this section by using
48 a global positioning system or navigation system
49 or when, for the purpose of engaging in a call,
50 the person selects or enters a telephone number or

1 name in a hand-held mobile telephone or activates,
2 deactivates, or initiates a function of a hand-held
3 mobile telephone.

4 *b.* The provisions of this subsection relating to
5 reading ~~a text~~ an electronic message do not apply to
6 the following persons:

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

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

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

13 Sec. 3. Section 321.276, subsection 4, Code 2014,
14 is amended to read as follows:

15 4. ~~a.~~ A person convicted of a violation of this
16 section is guilty of a simple misdemeanor punishable as
17 a scheduled violation under section 805.8A, subsection
18 ~~14~~ 6, paragraph ~~"1"~~ "0c".

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

22 Sec. 4. Section 321.276, subsection 5, Code 2014,
23 is amended by striking the subsection.

24 Sec. 5. Section 321.555, subsection 2, Code 2014,
25 is amended to read as follows:

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

37 Sec. 6. Section 805.8A, subsection 6, Code 2014, is
38 amended by adding the following new paragraph:

39 NEW PARAGRAPH. *0c.* Section 321.276.....\$30

40 Sec. 7. Section 805.8A, subsection 14, paragraph 1,
41 Code 2014, is amended by striking the paragraph.>

42 2. Title page, line 1, by striking <texting while
43 driving as> and inserting <electronic messaging while
44 driving as a moving violation and>

45 3. Title page, line 2, after <enforcement> by
46 inserting <, and making penalties applicable>

47 4. By renumbering as necessary.

TOD R. BOWMAN
