

House Amendment to
Senate File 444

S-3295

1 Amend Senate File 444, as passed by the Senate, as follows:

2 1. By striking page 1, line 9, through page 2, line 9, and
3 inserting:

4 <(1) For the purposes of this paragraph "a", a person's use
5 of a hand-held electronic communication device to write, send,
6 or view an electronic message while driving a motor vehicle
7 shall be considered prima facie evidence that the person was
8 driving the motor vehicle in a reckless manner with willful
9 or wanton disregard for the safety of persons or property, in
10 violation of section 321.277.

11 (2) Subparagraph (1) shall not apply to any of the
12 following:

13 (a) A member of a public safety agency, as defined in
14 section 34.1, performing official duties.

15 (b) A health care professional in the course of an emergency
16 situation.

17 (c) A person receiving safety-related information including
18 emergency, traffic, or weather alerts.

19 (3) For the purposes of this paragraph "a", the following
20 definitions apply:

21 (a) "Hand-held electronic communication device" means a
22 mobile telephone or other portable electronic communication
23 device capable of being used to write, send, or view an
24 electronic message. "Hand-held electronic communication device"
25 does not include a voice-operated or hands-free device which
26 allows the user to write, send, or view an electronic message
27 without the use of either hand except to activate or deactivate
28 a feature or function. "Hand-held electronic communication
29 device" does not include a wireless communication device used to
30 transmit or receive data as part of a digital dispatch system.
31 "Hand-held electronic communication device" includes a device
32 which is temporarily mounted inside the motor vehicle, unless
33 the device is a voice-operated or hands-free device.

34 (b) "Electronic message" includes images visible on the
35 screen of a hand-held electronic communication device including

1 a text-based message, an instant message, a portion of
2 electronic mail, an internet site, a social media application,
3 or a game.

4 (c) The terms "write", "send", and "view", with respect to
5 an electronic message, mean the manual entry, transmission,
6 or retrieval of an electronic message, and include playing,
7 browsing, or accessing an electronic message.