



[SF 2248](#) – Motor Vehicle Driving, Hands-Free Device for Cell Phones (LSB5805SV)  
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 Fiscal Note Version – New

**Description**

[Senate File 2248](#) prohibits any use of an electronic communication device while driving. Under the Bill, the scheduled fine for using an electronic communication device remains at current law, which is \$30. The use of an electronic communication device would be a moving violation. A moving violation can be considered for purposes of administrative suspension of a driver’s license or to establish habitual offender status.

Single Citation		
Penalty	\$	30.00
Surcharge (35.0%)		10.50
Court Cost		60.00
<b>Total</b>	<b>\$</b>	<b>100.50</b>

The Bill allows use of an electronic communication device under the following circumstances:

- Use in voice-activated or hands-free mode.
- Use by members of a public safety agency performing official duties.
- Use by health care professionals in the course of emergency situations.
- Use for the purpose of receiving safety-related information.
- Use for the purpose of reporting an emergency situation.
- Use by certain radio operators.

A peace officer is required to issue a warning memorandum in lieu of a citation for violations that occur during the period of time between July 1, 2020, the effective date of the Bill, and January 1, 2021.

**Background**

Current law prohibits the use of hand-held electronic communication devices to write, send, or view electronic messages while driving a motor vehicle. The fine for this violation is \$30. The violation is not considered a moving violation. Persons under the age of 18 are currently prohibited from using an electronic communication device while driving a motor vehicle (Iowa Code section [321.178](#)). For FY 2019, convictions under Iowa Code section [321.276](#) totaled 1,658, and 42 convictions were issued to individuals under age 18 for using an electronic communication device.

A criminal penalty surcharge is applied to the scheduled fine. Ninety-five percent of the surcharge is remitted to the State. Of the State’s share, 83.0% is deposited in the General Fund and 17.0% in the Victim Compensation Fund. The remaining 5.0% of the surcharge is remitted to the city or county where the infraction occurred.

### **Correctional Impact**

[Senate File 2248](#) is estimated to have a minimal correctional impact. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2020, for information related to the correctional system.

### **Minority Impact**

Convictions issued under Iowa Code section [321.276](#) are displayed in the table below. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 15, 2020, for information related to minorities in the criminal justice system.

<b>Iowa Code Section 321.276 Convictions by Ethnicity</b>								
	White	Black	Hispanic	Asian	Nat. Am.	Other	Unknown	Total
2018	1,204	60	10	32	6	31	283	1,626
2019	1,225	62	20	32	3	42	274	1,658

### **Assumptions**

- The state of Utah enacted a similar law beginning in May 2014. From 2016 to 2019, the state averaged 2,667 convictions per year for operating an electronic communication device while driving. Utah has 1.9 million drivers. Utah's conviction rate was 133.7 per 100,000 licensed drivers.
- Iowa has 2.2 million drivers and it is estimated that there will be 1,700 violations of existing law in FY 2020, which assumes the same conviction rate as Utah. Convictions in FY 2021, which reflect six months of warning and six months of enforcement, will be 1,500 and will average 3,000 per year beginning in FY 2022.
- A lag time of six months is assumed from the effective date of the Bill to the date of the first violations collected. The collection rate for the scheduled violation is estimated to be 61.0%.

### **Fiscal Impact**

The table below displays the estimated fiscal impact of the changes enacted in the Bill.

<b>Estimated Revenue</b>			
	FY 2020*	FY 2021*	FY 2022
General Fund			
Penalty Revenue	\$ 31,000	\$ 16,000	\$ 55,000
Surcharge Revenue	9,000	4,000	15,000
Court Costs	62,000	31,000	110,000
Subtotal	<u>\$ 102,000</u>	<u>\$ 51,000</u>	<u>\$ 180,000</u>
Other			
Victim Comp. Fund	\$ 2,000	\$ 1,000	\$ 3,000
Local Jurisdiction	1,000	300	1,000
Grand Total	<u>\$ 105,000</u>	<u>\$ 52,300</u>	<u>\$ 184,000</u>

\*Enforcement in FY 2020 will be under existing law, and FY 2021 reflects six months of warnings and six months of enforcement.

**Sources**

LSA calculations

Criminal and Juvenile Justice Planning Division, Department of Human Rights

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.

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