



SF 234 – Texting While Driving Ban as Primary Offense (LSB1535SV)

Analyst: Michael Guanci (Phone: (515)725-1286) (michael.guanci@legis.iowa.gov)

Fiscal Note Version – New

Description

Senate File 234 prohibits drivers from using a hand-held electronic communication device while operating a motor vehicle unless the motor vehicle is at a complete stop off the traveled portion of the road. The Bill changes operating a hand-held electronic communication device while driving from a secondary offense to a primary offense. Senate File 234 allows a law enforcement officer to pull over a driver exclusively for violation of this provision. A person found in violation of this statute is subject to a scheduled fine of \$30.

Background

Current law prohibits the use of a hand-held electronic communication device to write, send, or read a text message while operating a motor vehicle. Per Iowa Code section [321.276\(5\)](#), this offense is considered a secondary offense, and may not be the sole reason for a law enforcement officer to initiate a traffic stop. In FY 2016, 242 drivers were convicted of using a hand-held electronic communication device while operating a motor vehicle. The current scheduled fine for a violation of Iowa Code section [321.276](#) is \$30.

Assumptions

- The number of convictions for this offense is estimated to increase once it becomes a primary offense.
- The state of Utah enacted a similar law beginning in May 2014. In CY 2016, Utah issued 2,020 convictions for operating an electronic communication device while driving. Utah has 1.9 million drivers. Utah's conviction rate was 105.6 per 100,000 licensed drivers.
- Iowa has 2.2 million drivers. This estimate assumes that Iowa drivers will be convicted at the same rate as Utah drivers, with an estimated 1,173 violations in FY 2018 and 2,347 violations in FY 2019.
- This Bill will be effective July 1, 2017.
- A lag time of six months is assumed from the effective date of the Bill to the date of the first violations collected. Collection rates for scheduled violations are 80.4%.
- Court costs are estimated to be \$60 per violation.

Minority Impact

The minority impact of SF 234 is unknown. Under current law, Caucasians received 76.0% of tickets, African Americans received 2.5%, Latinos 2.0%, Asians 2.0%, and 17.4% were unknown.

Fiscal Impact

It is estimated that SF 234 will increase revenue to the State General Fund, the Victim Compensation Fund, and local jurisdictions. Revenue from the fines levied, court costs, and a portion of the surcharge will go to the General Fund. The table below provides a breakdown of the estimated fiscal impact of SF 234.

Senate File 234 Estimated Revenue Increases		
General Fund	FY 2018	FY 2019
Penalty Revenue	\$ 28,293	\$ 56,610
Surcharge Revenue	9,902	19,813
Court Costs	56,586	113,219
Subtotal	\$ 94,781	\$ 189,643
Other		
Victim Comp. Fund	\$ 1,599	\$ 3,200
Local Jurisdiction	495	991
Grand Total	\$ 96,875	\$ 193,834

Sources

Criminal and Juvenile Justice Planning
Federal Highway Administration
Utah Courts
LSA Calculations

/s/ Holly M. Lyons

February 15, 2017

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.
