

FEB 23 1998  
JUDICIARY

HOUSE FILE 2406  
BY CORMACK

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to limiting the use of cellular telephones while  
2 operating a motor vehicle and making a penalty applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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*2406*

1 Section 1. NEW SECTION. 321.363A USE OF CELLULAR  
2 TELEPHONE.

3 1. Except as otherwise provided in this section, a person  
4 shall not operate a motor vehicle on the highways of this  
5 state while using a cellular telephone.

6 2. An operator of a motor vehicle shall have a one-minute  
7 grace period on the receipt and transmission of cellular  
8 telephone calls. If an operator's cellular telephone call  
9 exceeds or the operator anticipates that a cellular telephone  
10 call will exceed the one-minute grace period, the operator  
11 shall either terminate the telephone call or pull the motor  
12 vehicle off the highway and park the motor vehicle in such a  
13 manner that does not violate any laws of this state.

14 3. The use of a cellular telephone by an operator of a  
15 motor vehicle is not a violation of this section if the  
16 operator uses the telephone to call a 911 emergency number.

17 4. For purposes of this section, "cellular telephone"  
18 means a radio-link telephone that provides dial tone access to  
19 a portable, mobile, or fixed location for which a charge is  
20 levied. This section shall not restrict the use of a radio-  
21 link telephone by any public safety agency as defined in  
22 section 34.1.

23 EXPLANATION

24 This bill creates a new criminal offense for the use of a  
25 cellular telephone while operating a motor vehicle. A person  
26 who operates a motor vehicle may use a cellular telephone but  
27 must limit the call to one minute unless the call is for  
28 emergency purposes. If the operator uses the phone for longer  
29 than one minute, the operator must pull the motor vehicle off  
30 the road and park to finish the call. The bill does not place  
31 time constraints on a public safety agency's use or a  
32 passenger's use of a cellular phone.

33 A person who violates this bill commits a simple  
34 misdemeanor under Code chapter 321.

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