

JAN 14 2000

JUDICIARY

HOUSE FILE 2051
BY NELSON-FORBES

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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HF 2051

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 may use a cellular
7 telephone to receive or transmit a cellular telephone call if
8 the call does not exceed one minute in duration. If an
9 operator's cellular telephone call exceeds or an operator
10 anticipates that a cellular telephone call will exceed one
11 minute in duration, the operator shall either terminate the
12 cellular telephone call or pull the motor vehicle off the
13 highway and park the motor vehicle in such a manner that does
14 not violate any laws of this state.

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

19 4. For purposes of this section, "cellular telephone"
20 means a radio-link telephone that provides dial tone access to
21 a portable, mobile, or fixed location for which a charge is
22 levied. This section shall not restrict the use of a radio-
23 link telephone by a public safety agency as defined in section
24 34.1.

25 EXPLANATION

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

35 A person who violates this bill commits a simple

1 misdemeanor under Code chapter 321.

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**HOUSE FILE 2051
FISCAL NOTE**

The estimate for House File 2051 is hereby submitted as a fiscal note pursuant to Joint Rule 17 and as a correctional impact statement pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 2051 creates a new criminal offense for the use of a cellular telephone while operating a motor vehicle. The operator must limit the cellular telephone call to a minute, unless it is an emergency. The operator is required to pull off the road and park if the cellular telephone is longer than one minute. House File 2051 does not place constraints on a public safety agency's use or a passenger's use of a telephone. Violations are punishable as a simple misdemeanor.

ASSUMPTIONS

1. A simple misdemeanor is punishable by a fine ranging from \$50 to \$500. In addition, the court may order imprisonment not to exceed 30 days.
2. Drivers who currently violate rules of the road may be charged with a simple misdemeanor.
3. To the extent that operators would be stopped and cited for using a cellular telephone, who are not being stopped now, there may be an impact on criminal justice system resources.
4. Simple misdemeanor cases require time for a clerk of court to process it, if it is not contested. Average case cost for a non-contested simple misdemeanor for the clerk of court to process is \$2.21.
5. Contested simple misdemeanors require processing time for a clerk of court, a magistrate or judge, and a court attendant. Average case cost for a contested simple misdemeanor for a clerk of court, magistrate or judge, and a court attendant to process ranges from \$71.47 to \$104.65, depending on whether a magistrate or judge is involved. This figure does not include the additional time associated with imposing a penalty.
6. Any jail time imposed will impact the county jails. The statewide average cost per day for county jails is \$60.
7. The average cost for the State to provide defense in simple misdemeanors is \$200.

FISCAL IMPACT

Due to insufficient information, the fiscal impact of HF 2051 cannot be determined.

SOURCES

Department of Human Rights, Criminal and Juvenile Justice Planning Division
State Court Administrator's Office
State Public Defender's Office
Iowa State Association of Counties

(LSB 5226hh, BAL)