

JAN 31 2000

JUDICIARY

HOUSE FILE
BY JENKINS

2103

Passed House, Date _____ Passed Senate, Date _____
 Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
 Approved _____

A BILL FOR

1 An Act limiting the use of cellular telephones while operating a
 2 motor vehicle in a congested parking lot and making a penalty
 3 applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2103

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

3 1. Except as provided in this section, a person shall not
4 operate a motor vehicle while using a cellular telephone in a
5 congested parking lot which is accessible to the public
6 without charge or which is accessible to customers or invitees
7 of a business or facility without charge. As used in this
8 subsection, "parking lot" includes access roads, drives,
9 lanes, aisles, entrances, and exits to and from a parking lot
10 described in this subsection.

11 2. The use of a cellular telephone by an operator of a
12 motor vehicle is not a violation of this section if the
13 operator uses the cellular telephone to call a 911 or other
14 emergency number.

15 3. For purposes of this section, "cellular telephone"
16 means a radio-link telephone that provides dial tone access to
17 a portable, mobile, or fixed location for which a charge is
18 levied.

19 4. This section does not restrict the use of a radio-link
20 telephone by a public safety agency as defined in section
21 34.1.

22 EXPLANATION

23 This bill creates a new criminal offense for the use of a
24 cellular telephone while operating a motor vehicle in a
25 congested parking lot, as described in the bill, unless the
26 call is for emergency purposes. The bill does not restrict
27 the use of a cellular telephone in a motor vehicle by a public
28 safety agency or a passenger.

29 A person who violates this bill commits a simple
30 misdemeanor under Code chapter 321.

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HOUSE FILE 2103
FISCAL NOTE

The estimate for House File 2103 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 2103 creates a new criminal offense for the use of a cellular telephone while in a congested parking lot, unless the call is for emergency purposes. House File 2103 does not place constraints on a public safety agency'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. Average case cost for a non-contested simple misdemeanor for the clerk of court to process is \$2.21.
5. Average case cost for a contested simple misdemeanor for processing by a clerk of court, a magistrate or judge, and a court attendant ranges from \$71.47 to \$104.65, depending on whether a judge or magistrate 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 2103 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 5931hh, BAL)

FILED FEBRUARY 24, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR