

House File 2021 - Introduced

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BY TJEPKES

A BILL FOR

1 An Act classifying text messaging while driving as reckless
2 driving and making penalties applicable.

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

1 Section 1. Section 321.277, Code 2009, is amended to read
2 as follows:

3 **321.277 Reckless driving.**

4 1. Any A person who drives any vehicle in such manner as to
5 indicate either a willful or a wanton disregard for the safety
6 of persons or property is guilty of reckless driving.

7 2. A person shall not use a wireless handset to write, read,
8 or send a text message while operating a motor vehicle.

9 a. For purposes of this subsection:

10 (1) "Text message" means a text-based electronic
11 communication transmitted using the short message service
12 (SMS), a wireless telephone service, or an electronic
13 communication network.

14 (2) "Wireless handset" means a handheld portable electronic
15 or computing device capable of transmitting data in the form of
16 a text message. "Wireless handset" includes but is not limited
17 to a cellular telephone or personal digital assistant.

18 b. A person who violates this subsection commits reckless
19 driving.

20 3. Every A person convicted of reckless driving shall
21 be is guilty of a simple misdemeanor.

22 EXPLANATION

23 This bill prohibits a person from using a wireless handset
24 to write, read, or send a text message while operating a motor
25 vehicle.

26 "Text message" is defined as a text-based electronic
27 communication transmitted using the short message service
28 (SMS), a wireless telephone service, or an electronic
29 communication network. "Wireless handset" is defined as a
30 handheld portable electronic or computing device capable of
31 transmitting data in the form of a text message. The term
32 includes a cellular telephone or personal digital assistant.

33 A person who engages in text messaging while operating a
34 motor vehicle commits reckless driving. Pursuant to current
35 law, reckless driving is a simple misdemeanor, which is

1 punishable by confinement for no more than 30 days or a fine
2 of at least \$65 but not more than \$625 or by both. If a
3 reckless driving violation results in serious injury to another
4 person the driver is guilty of a class "D" felony. A class
5 "D" felony is punishable by confinement for no more than five
6 years and a fine of at least \$750 but not more than \$7,500.
7 If the violation results in the death of another person, the
8 driver commits homicide by vehicle, which is a class "C" felony
9 punishable by confinement for no more than 10 years and a fine
10 of at least \$1,000 but not more than \$10,000.

11 A person convicted of a class "C" felony for homicide by
12 vehicle or a class "D" felony for serious injury by vehicle
13 is not eligible to be admitted to bail while appealing the
14 conviction. A person who is convicted of both homicide by
15 vehicle and failure to stop and remain at the scene of the
16 accident is required to serve at least seven-tenths of the
17 maximum term of confinement.

18 A person charged with homicide by vehicle is subject to
19 driver's license suspension, and upon conviction the person's
20 license is revoked. The class "C" and "D" felonies under the
21 bill are included in the list of offenses to be considered for
22 purposes of habitual offender status. A person who accumulates
23 convictions for three or more specified motor vehicle operating
24 offenses within a six-year period is considered a habitual
25 offender and may be subject to driver's license revocation for
26 at least two years and not more than six years.

27 Under current law, provisions relating to reckless driving
28 apply to a motor vehicle operator on highways and elsewhere
29 throughout the state and apply to road workers as well as
30 motorists.