

# House File 353 - Introduced

HOUSE FILE \_\_\_\_\_  
BY MAY

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

## A BILL FOR

1 An Act prohibiting the use of cellular telephones and other  
2 wireless communication devices by certain persons operating a  
3 motor vehicle under a provisional driver's license and  
4 providing a penalty.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 2054HH 83  
7 dea/nh/5

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1 1 Section 1. NEW SECTION. 321.180C CELL PHONE USE  
1 2 RESTRICTED.  
1 3 1. A person who has been issued a restricted driver's  
1 4 license under section 321.178; an instruction permit or a  
1 5 special instruction permit under section 321.180, 321.180A, or  
1 6 321.180B; an intermediate driver's license under section  
1 7 321.180B; or a special minor's license under section 321.194  
1 8 shall not operate or use a cellular telephone or other  
1 9 wireless communication device while operating a motor vehicle  
1 10 on a highway.  
1 11 2. a. This section does not apply when the motor vehicle  
1 12 is at a complete stop off the roadway.  
1 13 b. This section does not apply to the use of a cellular  
1 14 telephone or other wireless communication device to call 911  
1 15 or to contact law enforcement authorities or an emergency  
1 16 response agency in an emergency situation.  
1 17 3. A person who violates this section commits a simple  
1 18 misdemeanor punishable as a scheduled violation under section  
1 19 805.8A, subsection 4, paragraph "a".  
1 20 Sec. 2. Section 805.8A, subsection 4, paragraph a, Code  
1 21 2009, is amended to read as follows:  
1 22 a. For violations under sections 321.174A, 321.180,  
1 23 321.180B, 321.180C, 321.193, and 321.194, the scheduled fine  
1 24 is thirty dollars.

### EXPLANATION

1 26 This bill prohibits the use of a cellular telephone or  
1 27 other wireless communication device by persons who are  
1 28 provisionally licensed to drive. The restriction applies when  
1 29 the motor vehicle is being operated on a highway, but not when  
1 30 the vehicle is stopped off the roadway. The bill applies to  
1 31 every person issued an instruction permit or a special  
1 32 instruction permit and to every person under 18 years of age  
1 33 issued an intermediate license, a restricted license for  
1 34 driving to and from work, or a special minor's license.  
1 35 The bill provides an exception for emergency situations  
2 1 when a cellular telephone is used to call 911 or to contact  
2 2 law enforcement authorities or an emergency response agency.  
2 3 A violation of the bill, which is a violation of the terms  
2 4 of the driver's license, is a simple misdemeanor punishable by  
2 5 a scheduled fine of \$30. For a person under 18 years of age  
2 6 who is in the graduated driver licensing program, a violation  
2 7 would delay issuance of an intermediate license for six months  
2 8 or a full driver's license for 12 months.  
2 9 LSB 2054HH 83  
2 10 dea/nh/5