

**Senate File 2077 - Introduced**

SENATE FILE 2077  
BY SODDERS

**A BILL FOR**

1 An Act relating to the use of a wireless telecommunications  
2 device to write, send, or read a text-based communication  
3 while operating a motor vehicle and making penalties  
4 applicable.

5 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. A person shall not operate a motor vehicle on a  
8 highway while using a wireless telecommunications device to  
9 write, send, or read a text-based communication.

10 b. For purposes of this subsection:

11 (1) "Wireless telecommunications device" means a cellular  
12 telephone, a text-messaging device, a personal digital  
13 assistant, a stand-alone computer, or any other substantially  
14 similar wireless device that is readily removable from a motor  
15 vehicle and is capable of being used to write, send, or read  
16 text or data through manual input. "Wireless telecommunications  
17 device" does not include a citizens band radio, a citizens  
18 band radio hybrid, a commercial two-way radio communication  
19 device, an electronic communication device with a push-to-talk  
20 function, a global positioning system or navigation system  
21 installed in a motor vehicle, or a device or component that is  
22 permanently affixed to a motor vehicle.

23 (2) "Write, send, or read a text-based communication" means  
24 using a wireless telecommunications device to manually  
25 communicate with any person by using a text-based communication  
26 referred to as a text message, an instant message, or  
27 electronic mail. A person is not deemed to be writing,  
28 reading, or sending a text-based communication if the person  
29 reads, selects, or enters a telephone number or name in a  
30 hands-free wireless telephone for the purpose of making a  
31 telephone call.

32 c. A person who violates this subsection commits reckless  
33 driving.

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

EXPLANATION

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This bill prohibits a person from operating a motor vehicle while using a wireless telecommunications device to write, send, or read a text-based communication. The act of reading, selecting, or entering a telephone number or name in a hands-free wireless telephone for the purpose of making a telephone call does not constitute a violation.

The bill defines "wireless telecommunications device" as a cellular telephone, text-messaging device, personal digital assistant, stand-alone computer, or any other substantially similar wireless device that is readily removable from the vehicle and is capable of being used to write, send, or read text or data through manual input. The definition excludes a citizens band radio, a citizens band radio hybrid, a commercial two-way radio, an electronic device with a push-to-talk function, a global positioning system or navigation system permanently installed in a motor vehicle, and any device or component that is permanently affixed to a motor vehicle.

"Write, send, or read a text-based communication" means using a wireless telecommunications device to manually communicate with any person by using a text-based communication referred to as a text message, an instant message, or electronic mail.

A person who operates a motor vehicle while using a wireless telecommunications device to write, send, or read a text-based communication in violation of the bill commits reckless driving. Pursuant to current law, reckless driving is a simple misdemeanor, which is punishable by confinement for no more than 30 days or a fine of at least \$65 but not more than \$625 or by both. If a reckless driving violation results in serious injury to another person, the driver is guilty of a class "D" felony. A class "D" felony is punishable by confinement for no more than five years and a fine of at least \$750 but not more than \$7,500. If the violation results in the death of another person, the driver commits homicide by vehicle, which is a class "C" felony punishable by confinement for no more than 10

1 years and a fine of at least \$1,000 but not more than \$10,000.

2 A person convicted of a class "C" felony for homicide by  
3 vehicle or a class "D" felony for serious injury by vehicle  
4 is not eligible to be admitted to bail while appealing the  
5 conviction. A person who is convicted of both homicide by  
6 vehicle and failure to stop and remain at the scene of the  
7 accident is required to serve at least seven-tenths of the  
8 maximum term of confinement.

9 A person charged with homicide by vehicle is subject to  
10 driver's license suspension, and upon conviction the person's  
11 license is revoked. The class "C" and "D" felonies under the  
12 bill are included in the list of offenses to be considered for  
13 purposes of habitual offender status. A person who accumulates  
14 convictions for three or more specified motor vehicle operating  
15 offenses within a six-year period is considered a habitual  
16 offender and may be subject to driver's license revocation for  
17 at least two years and not more than six years.

18 Under current law, provisions relating to reckless driving  
19 apply to a motor vehicle operator on highways and elsewhere  
20 throughout the state and apply to road workers as well as  
21 motorists.