

Senate File 33 - Introduced

SENATE FILE 33

BY JOHNSON

A BILL FOR

1 An Act relating to driving while engaged in a distracting
2 activity and providing penalties.

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

1 Section 1. Section 321.210, subsection 2, paragraph e, Code
2 2013, is amended to read as follows:

3 e. Violations of section ~~321.276~~ 321.276A.

4 Sec. 2. NEW SECTION. **321.276A Driving while distracted —**
5 **penalty.**

6 1. a. A person shall not engage in a distracting activity
7 while operating a motor vehicle unless the motor vehicle is at
8 a complete stop off the traveled portion of the roadway.

9 b. For purposes of this section, "*distracting activity*"
10 means any activity that is not immediately necessary to the
11 operation of the motor vehicle and that impairs, or could
12 reasonably be expected to impair, the person's ability to drive
13 safely. "*Distracting activity*" includes but is not limited to
14 the use of a wireless telephone.

15 2. This section does not apply to a member of a public
16 safety agency, as defined in section 34.1, while engaged in the
17 performance of the member's official duties.

18 3. A person convicted of a violation of this section commits
19 a simple misdemeanor punishable as a scheduled violation under
20 section 805.8A, subsection 6, paragraph "0c".

21 Sec. 3. Section 321.482A, unnumbered paragraph 1, Code
22 2013, is amended to read as follows:

23 Notwithstanding section 321.482, a person who is convicted
24 of operating a motor vehicle in violation of section 321.178,
25 subsection 2, paragraph "a", subparagraph (2), section
26 321.180B, subsection 6, section 321.194, subsection 1,
27 paragraph "c", section 321.256, section 321.257, section
28 321.275, subsection 4, section ~~321.276~~ 321.276A, 321.297,
29 321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306,
30 321.307, 321.308, section 321.309, subsection 2, or section
31 321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.324,
32 321.324A, 321.327, 321.329, 321.333, or 321.372, subsection 3,
33 causing serious injury to or the death of another person may be
34 subject to the following penalties in addition to the penalty
35 provided for a scheduled violation in section 805.8A or any

1 other penalty provided by law:

2 Sec. 4. Section 321.555, subsection 2, Code 2013, is amended
3 to read as follows:

4 2. Six or more of any separate and distinct offenses within
5 a two-year period in the operation of a motor vehicle, which
6 are required to be reported to the department by section
7 321.491 or chapter 321C, except equipment violations, parking
8 violations as defined in section 321.210, violations of
9 registration laws, violations of sections 321.445 and 321.446,
10 violations of section ~~321.276~~ 321.276A, operating a vehicle
11 with an expired license or permit, failure to appear, weights
12 and measures violations and speeding violations of less than
13 fifteen miles per hour over the legal speed limit.

14 Sec. 5. Section 805.8A, subsection 6, Code 2013, is amended
15 by adding the following new paragraph:

16 NEW PARAGRAPH. *0c.* Section 321.276A.....\$30.

17 Sec. 6. Section 805.8A, subsection 14, paragraph 1, Code
18 2013, is amended by striking the paragraph.

19 Sec. 7. REPEAL. Section 321.276, Code 2013, is repealed.

20 EXPLANATION

21 This bill prohibits a person from engaging in a distracting
22 activity while operating a motor vehicle.

23 The bill repeals Code section 321.276, which prohibits a
24 person from using a hand-held electronic communication device
25 to write, send, or read a text message while driving a motor
26 vehicle. The Code section is only enforceable as a secondary
27 action when a peace officer stops or detains a driver for a
28 suspected violation of another motor vehicle law. A violation
29 is punishable by a scheduled fine of \$30, with higher penalties
30 applicable if the violation causes serious injury to or the
31 death of another person. A violation may not be considered by
32 the department of transportation for purposes of suspending
33 a person's driver's license or determining a person to be a
34 habitual offender.

35 The bill establishes the broader offense of driving while

1 engaged in a distracting activity, which is defined to mean any
2 activity that is not immediately necessary to the operation
3 of the motor vehicle and that impairs, or could reasonably
4 be expected to impair, the person's ability to drive safely.
5 The bill specifies that the use of a wireless telephone is a
6 distracting activity. The bill does not apply to a driver
7 when the motor vehicle is at a complete stop off the traveled
8 portion of the roadway, and the bill does not apply to members
9 of public safety agencies while engaged in the performance of
10 official duties.

11 Under the bill, driving while distracted is enforceable as a
12 primary offense, but may not be considered by the department
13 of transportation for purposes of driver's license suspensions
14 or habitual offender determinations. A person convicted
15 of driving while distracted commits a simple misdemeanor
16 punishable by a scheduled fine of \$30. If the violation causes
17 serious injury to another person, the court may impose an
18 additional fine of \$500 or suspension of the person's driver's
19 license for not more than 90 days, or both. If the violation
20 causes the death of another person, the court may impose an
21 additional fine of \$1,000 or suspend the person's driver's
22 license for not more than 180 days, or both.

23 Under current law, young drivers who have an instruction
24 permit, an intermediate license, a special minor's license
25 (school license), or a restricted license to travel to and from
26 work are prohibited from using an electronic communication
27 device or an electronic entertainment device while driving.
28 A violation is not considered a moving violation, but is
29 considered to be a violation of the restrictions of the
30 driver's license, punishable by license sanctions in addition
31 to a scheduled fine of \$50. The bill does not affect this
32 current law relating specifically to the use of electronic
33 devices by young drivers. The new provisions under the bill
34 prohibiting distracted driving would also apply to young
35 drivers.

1 Currently under Code section 321.238, the provisions of Iowa
2 law restricting the use of electronic communication devices or
3 electronic entertainment devices by a motor vehicle operator
4 preempt any county or municipal ordinance relating to such use.
5 The bill does not affect that preemption provision.