

**House Study Bill 171 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON BYRNES)

**A BILL FOR**

1 An Act prohibiting the use of electronic communication devices  
2 while driving, providing exceptions, and making penalties  
3 applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.276, subsection 1, Code 2015, is  
2 amended by striking the subsection and inserting in lieu  
3 thereof the following:

4 1. For purposes of this section:

5 a. "*Electronic communication device*" means an electronic  
6 device capable of being used to compose, read, or send an  
7 electronic message. "*Electronic communication device*" includes  
8 but is not limited to telephones, personal digital assistants,  
9 and portable or mobile computers.

10 b. "*Electronic message*" means a self-contained piece  
11 of digital communication, whether verbal or written, that  
12 is designed or intended to be transmitted between physical  
13 devices. "*Electronic message*" includes but is not limited to  
14 telephone calls, video calls, electronic mail, text messages,  
15 instant messages, and commands or requests to access an  
16 internet site.

17 Sec. 2. Section 321.276, subsections 2 and 3, Code 2015, are  
18 amended to read as follows:

19 2. A person shall not use ~~a hand-held~~ an electronic  
20 communication device ~~to write, send, or read a text message~~  
21 while driving a motor vehicle unless the motor vehicle is at a  
22 complete stop off the traveled portion of the roadway.

23 a. A person does not violate this section by using a global  
24 positioning system or navigation system or ~~when, for the~~  
25 ~~purpose of engaging in a call, the person selects or enters a~~  
26 ~~telephone number or name in a hand-held mobile telephone or~~  
27 ~~activates, deactivates, or initiates a function of a hand-held~~  
28 ~~mobile telephone~~ by using an electronic communication device in  
29 a hands-free or voice-activated mode.

30 b. The provisions of this subsection relating to ~~reading a~~  
31 ~~text message~~ the use of an electronic communication device do  
32 not apply to the following persons:

33 (1) A member of a public safety agency, as defined in  
34 section 34.1, performing official duties.

35 (2) A health care professional in the course of an emergency

1 situation.

2 (3) A person sending or receiving safety-related  
3 information including emergency, traffic, or weather alerts.

4 c. The exceptions provided in paragraph "a" and paragraph  
5 "b", subparagraph (3), shall not apply to any of the following:

6 (1) A person operating a motor vehicle in a school district.

7 (2) A person operating a motor vehicle in a road work zone.

8 (3) A person issued a driver's license under section  
9 321.178A, 321.180, 321.180A, 321.180B, 321.181, or 321.194.

10 (4) A person issued a temporary restricted license under  
11 section 321.215 or 321J.20.

12 3. Nothing in this section shall be construed to authorize  
13 a peace officer to confiscate a ~~portable~~ an electronic  
14 communication device from the driver or occupant of a motor  
15 vehicle.

16 Sec. 3. Section 321.276, subsection 5, Code 2015, is amended  
17 by striking the subsection.

18 Sec. 4. Section 805.8A, subsection 14, paragraph 1, Code  
19 2015, is amended to read as follows:

20 1. ~~Text-messaging~~ Use of electronic communication devices  
21 while driving violations. For violations under section 321.276,  
22 the scheduled fine is thirty dollars.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill relates to the use of electronic communication  
27 devices while driving and makes penalties applicable.

28 Current law prohibits the use of an electronic device to  
29 write, send, or read a text message while operating a motor  
30 vehicle. The bill expands this prohibition to include any  
31 electronic message, including telephone calls. The bill  
32 provides an exception allowing the use of electronic devices in  
33 a hands-free or voice-activated mode.

34 The bill does not change the existing exceptions for certain  
35 persons under Code section 321.276, subsection 2, paragraph

1 "b", including a member of a public safety agency performing  
2 official duties, a health care professional in the course of  
3 an emergency situation, and a person receiving safety-related  
4 information including emergency, traffic, or weather alerts.  
5 The bill also does not change the existing exception for use of  
6 global positioning or navigation systems. However, the bill  
7 provides that the exceptions relating to global positioning or  
8 navigation systems, hands-free or voice activated mode, and  
9 emergency, traffic, or weather alerts are not applicable within  
10 200 feet of a school, in a road work zone, or to persons with  
11 temporary, intermediate, instructional, or restricted licenses.

12 The bill eliminates a provision prohibiting a peace officer  
13 from stopping or detaining a person solely for a violation of  
14 Code section 321.276.

15 The bill rewords the applicable scheduled fine provision  
16 to comply with the bill. The scheduled fine for a violation  
17 of Code section 321.276 remains \$30. Under current law, the  
18 offense is not a moving violation, and therefore cannot be  
19 considered for purposes of administrative suspension of a  
20 driver's license or to establish habitual offender status.  
21 However, if the violation causes a serious injury, a court  
22 could impose an additional fine of \$500 or suspend the person's  
23 driver's license for not more than 90 days, or both. If the  
24 violation causes a death, a court could impose an additional  
25 fine of \$1,000 or suspend the person's driver's license for not  
26 more than 180 days, or both.