

House File 85 - Introduced

HOUSE FILE 85

BY HUNTER, LENSING, KACENA,
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A BILL FOR

1 An Act concerning the use of mobile telephones while driving
2 and providing penalties.

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

1 Section 1. Section 321.1, Code 2017, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 39. *"Mobile telephone"* means mobile
4 telephone as defined in 49 C.F.R. §383.5.

5 Sec. 2. Section 321.210, subsection 2, paragraph e, Code
6 2017, is amended to read as follows:

7 e. Violations of ~~section~~ sections 321.276 and 321.276A.

8 Sec. 3. Section 321.276, subsection 1, paragraph a, Code
9 2017, is amended by striking the paragraph and inserting in
10 lieu thereof the following:

11 a. *"Fixed unit global positioning system or navigation*
12 *system"* means an electronic device that is mounted inside a
13 motor vehicle and is capable of providing navigation directions
14 to a driver based on data entered into the device.

15 Sec. 4. Section 321.276, subsection 2, paragraph a, Code
16 2017, is amended to read as follows:

17 a. A person does not violate this section by using a fixed
18 unit global positioning system or navigation system ~~or when,~~
19 ~~for the purpose of engaging in a call, the person selects~~
20 ~~or enters a telephone number or name in a hand-held mobile~~
21 ~~telephone or activates, deactivates, or initiates a function of~~
22 ~~a hand-held mobile telephone~~ to receive navigation directions,
23 provided that the person does not manually enter data into the
24 fixed unit global positioning system or navigation system while
25 operating the motor vehicle.

26 Sec. 5. NEW SECTION. 321.276A **Use of mobile telephone while**
27 **driving.**

28 1. A person shall not drive a motor vehicle while using a
29 mobile telephone unless the mobile telephone is specifically
30 designed and configured to allow hands-free listening and
31 talking and is used in that manner while driving.

32 2. This section does not apply to the following persons:

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

35 b. A health care professional in the course of an emergency

1 situation.

2 *c.* A person receiving safety-related information including
3 emergency, traffic, or weather alerts.

4 *d.* The driver of a motor vehicle when the motor vehicle is
5 at a complete stop off the traveled portion of the roadway.

6 3. Nothing in this section shall be construed to authorize a
7 peace officer to confiscate a mobile telephone from the driver
8 or occupant of a motor vehicle.

9 4. *a.* A person convicted of a violation of this section
10 is guilty of a simple misdemeanor punishable as a scheduled
11 violation under section 805.8A, subsection 14, paragraph "m".

12 *b.* A violation of this section shall not be considered a
13 moving violation for purposes of this chapter or rules adopted
14 pursuant to this chapter.

15 Sec. 6. Section 321.482A, unnumbered paragraph 1, Code
16 2017, is amended to read as follows:

17 Notwithstanding [section 321.482](#), a person who is convicted
18 of operating a motor vehicle in violation of section 321.178,
19 subsection 2, paragraph "a", subparagraph (2), section
20 321.180B, subsection 6, [section 321.194, subsection 2,](#)
21 [paragraph "b", subparagraph \(2\), section 321.256, 321.257,](#)
22 [section 321.275, subsection 4, section 321.276, 321.276A,](#)
23 [321.297, 321.298, 321.299, 321.302, 321.303, 321.304, 321.305,](#)
24 [321.306, 321.307, 321.308, section 321.309, subsection 2, or](#)
25 [section 321.311, 321.319, 321.320, 321.321, 321.322, 321.323,](#)
26 [321.324, 321.324A, 321.327, 321.329, 321.333, or 321.372,](#)
27 subsection 3, causing serious injury to or the death of another
28 person may be subject to the following penalties in addition
29 to the penalty provided for a scheduled violation in section
30 805.8A or any other penalty provided by law:

31 Sec. 7. Section 321.555, subsection 2, Code 2017, is amended
32 to read as follows:

33 2. Six or more of any separate and distinct offenses within
34 a two-year period in the operation of a motor vehicle, which
35 are required to be reported to the department by section

1 321.491 or [chapter 321C](#), except equipment violations, parking
2 violations as defined in [section 321.210](#), violations of
3 registration laws, violations of [sections 321.445](#) and [321.446](#),
4 violations of ~~section~~ [sections 321.276](#) and [321.276A](#), operating
5 a vehicle with an expired license or permit, failure to appear,
6 weights and measures violations and speeding violations of less
7 than fifteen miles per hour over the legal speed limit.

8 Sec. 8. Section 805.8A, subsection 14, Code 2017, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. *m. Mobile telephone violations.* For
11 violations under section 321.276A, the scheduled fine is thirty
12 dollars.

13 EXPLANATION

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

16 This bill prohibits a person from driving a motor vehicle
17 while using a mobile telephone unless the mobile telephone
18 is specifically designed and configured to allow hands-free
19 listening and talking and is used in that manner. The bill
20 does not apply to the driver of a motor vehicle when the motor
21 vehicle is at a complete stop off the traveled portion of the
22 roadway. In addition, the bill exempts the following persons
23 from the prohibition: a member of a public safety agency
24 performing official duties; a health care professional in
25 the course of an emergency situation; and a person receiving
26 safety-related information including emergency, traffic, or
27 weather alerts. These are the same exemptions that currently
28 apply under Iowa law prohibiting text-messaging while driving.

29 The bill defines "mobile telephone" to mean the same
30 as defined in federal motor carrier safety administration
31 regulations. Under that definition, "mobile telephone" means
32 a mobile communication device that falls under or uses any
33 commercial mobile radio service, as defined in regulations of
34 the federal communications commission. The federal definition
35 explicitly excludes two-way or citizens band radio services.

1 The bill amends current provisions prohibiting
2 text-messaging while driving to specify that a person does not
3 violate the text-messaging provisions by using a fixed unit
4 global positioning system or navigation system, provided the
5 person does not enter data into the system while operating
6 the motor vehicle. "Fixed unit global positioning system or
7 navigation system" is defined as an electronic device mounted
8 inside a motor vehicle and capable of providing navigation
9 directions to a driver based on data entered into the device.
10 The bill also strikes a current exception to the prohibition
11 on text-messaging while driving which applies to a person
12 selecting or entering a telephone number or name in a hand-held
13 mobile telephone or activating, deactivating, or initiating a
14 function of a hand-held mobile telephone.

15 The penalties established in the bill mirror the penalties
16 currently applicable for text-messaging while driving. A
17 person who uses a mobile telephone while driving in violation
18 of the bill commits a simple misdemeanor punishable by
19 a scheduled fine of \$30. The offense is not a moving
20 violation, and therefore cannot be considered for purposes of
21 administrative suspension of a driver's license or to establish
22 habitual offender status. However, if the violation causes a
23 serious injury, a court could impose an additional fine of \$500
24 or suspend the person's driver's license for not more than 90
25 days, or both. If the violation causes a death, a court could
26 impose an additional fine of \$1,000 or suspend the person's
27 driver's license for not more than 180 days, or both.

28 The bill does not authorize a peace officer to confiscate a
29 mobile telephone from a driver or occupant of a motor vehicle.
30 However, a peace officer may stop or detain a driver solely for
31 using a hand-held mobile telephone while driving.