

House Study Bill 535 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

A BILL FOR

1 An Act relating to texting or using a mobile telephone while
2 operating a commercial motor vehicle, providing penalties,
3 and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.482A, unnumbered paragraph 1, Code
2 2018, is amended to read as follows:

3 Notwithstanding [section 321.482](#), a person who is convicted
4 of operating a motor vehicle in violation of section 321.178,
5 subsection 2, paragraph "a", subparagraph (2), section
6 321.180B, subsection 6, [section 321.194, subsection 2](#),
7 paragraph "b", subparagraph (2), [section 321.256, 321.257](#),
8 section 321.275, subsection 4, [section 321.276, 321.297](#),
9 [321.298, 321.299, 321.302, 321.303, 321.304, 321.305, 321.306](#),
10 [321.307, 321.308, section 321.309, subsection 2](#), ~~or~~ section
11 [321.311, 321.319, 321.320, 321.321, 321.322, 321.323, 321.324](#),
12 [321.324A, 321.327, 321.329, 321.333](#), ~~or~~ section 321.372,
13 subsection 3, or section 321.449B, causing serious injury to
14 or the death of another person may be subject to the following
15 penalties in addition to the penalty provided for a scheduled
16 violation in [section 805.8A](#) or any other penalty provided by
17 law:

18 Sec. 2. NEW SECTION. **321.449B Texting or using a mobile**
19 **telephone while operating a commercial motor vehicle.**

20 1. *a.* A person subject to rules adopted by the department
21 pursuant to section 321.449 shall not operate a commercial
22 motor vehicle while engaged in texting as prohibited by
23 49 C.F.R. §392.80, except in an emergency or as otherwise
24 permitted under 49 C.F.R. §392.80.

25 *b.* A person subject to rules adopted by the department
26 pursuant to section 321.449 shall not operate a commercial
27 motor vehicle while using a hand-held mobile telephone as
28 prohibited by 49 C.F.R. §392.82, except in an emergency or as
29 otherwise permitted under 49 C.F.R. §392.82.

30 2. *a.* A person convicted of a violation of this section
31 is guilty of a simple misdemeanor punishable as a scheduled
32 violation under section 805.8A, subsection 13, paragraph "b".

33 *b.* A violation of this section shall be considered a moving
34 violation for the purposes of this chapter and rules adopted
35 pursuant to this chapter.

1 c. A conviction for a violation of this section shall be in
2 lieu of a conviction for a violation of section 321.276 if the
3 violations are based on the same facts and circumstances.

4 Sec. 3. Section 805.8A, subsection 13, paragraph b, Code
5 2018, is amended to read as follows:

6 b. For a violation under section 321.449, ~~or 321.449A~~, or
7 321.449B, the scheduled fine is fifty dollars.

8 EXPLANATION

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

11 This bill prohibits a person subject to the department of
12 transportation's motor carrier safety rules from operating a
13 commercial motor vehicle while engaged in texting or while
14 using a hand-held mobile telephone as prohibited by federal
15 regulations, except in an emergency or as otherwise permitted
16 under such federal regulations.

17 A violation of the provision is a simple misdemeanor
18 punishable by a scheduled fine of \$50 and is considered a
19 moving violation. However, a conviction for a violation of the
20 provision shall be in lieu of a conviction for a violation of
21 Code section 321.276 (use of electronic communication device
22 while driving) if the violations are based on the same facts
23 and circumstances. The bill also includes a violation of Code
24 section 321.449B on the list of traffic offenses for which
25 additional penalties may be imposed if the violation causes
26 serious injury or death. If the violation causes a serious
27 injury, a court could impose an additional fine of \$500 or
28 suspend the person's driver's license for not more than 90
29 days, or both. If the violation causes a death, a court could
30 impose an additional fine of \$1,000 or suspend the person's
31 driver's license for not more than 180 days, or both.

32 Under current law, a violation of Code section 321.276 is a
33 simple misdemeanor punishable by a scheduled fine of \$30, is
34 not a moving violation, and is subject to the same additional
35 penalties if the violation causes serious injury or death.