

**Senate File 407 - Introduced**

SENATE FILE 407

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1079)

**A BILL FOR**

1 An Act relating to the use of electronic communication devices  
2 while driving, and making penalties applicable.  
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 2017, is amended by striking the paragraph.

3 Sec. 2. Section 321.276, Code 2017, is amended to read as  
4 follows:

5 **321.276 Use of electronic communication device while driving**  
6 ~~—text-messaging.~~

7 1. For purposes of this section:

8 a. ~~“Engage in a call” means talking or listening on a~~  
9 ~~mobile telephone or other portable electronic communication~~

10 ~~device.~~ “Electronic communication device” means an electronic  
11 device capable of being used to compose, send, receive,

12 or read an electronic message. “Electronic communication  
13 device” includes but is not limited to telephones, personal

14 digital assistants, and portable or mobile computers, but does  
15 not include devices that are physically or electronically

16 integrated into a motor vehicle, including but not limited to  
17 integrated global positioning systems and navigation systems.

18 b. ~~“Hand-held electronic communication device” means a mobile~~  
19 ~~telephone or other portable electronic communication device~~

20 ~~capable of being used to write, send, or read a text message.~~  
21 ~~“Hand-held electronic communication device” does not include a~~

22 ~~voice-operated or hands-free device which allows the user to~~  
23 ~~write, send, or read a text message without the use of either~~

24 ~~hand except to activate or deactivate a feature or function.~~

25 ~~“Hand-held electronic communication device” does not include a~~  
26 ~~wireless communication device used to transmit or receive data~~

27 ~~as part of a digital dispatch system. “Hand-held electronic~~  
28 ~~communication device” includes a device which is temporarily~~

29 ~~mounted inside the motor vehicle, unless the device is a~~

30 ~~voice-operated or hands-free device. “Electronic message” means~~  
31 a self-contained piece of digital communication, whether verbal

32 or written, that is designed or intended to be transmitted

33 between electronic communication devices. “Electronic message”

34 includes but is not limited to telephone calls, video calls,

35 electronic mail, text messages, instant messages, and commands

1 or requests to access an internet site.

2 ~~c. "Text message" includes a text-based message, an instant~~  
3 ~~message, and electronic mail.~~

4 ~~d. The terms "write", "send", and "read", with respect~~  
5 ~~to a text message, mean the manual entry, transmission, and~~  
6 ~~retrieval of a text message, respectively, to communicate with~~  
7 ~~any other person or device.~~

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

12 a. A person does not violate this section by using a ~~global~~  
13 ~~positioning system or navigation system or when, for the~~  
14 ~~purpose of engaging in a call, the person selects or enters a~~  
15 ~~telephone number or name in a hand-held mobile telephone or~~  
16 ~~activates, deactivates, or initiates a function of a hand-held~~  
17 ~~mobile telephone~~ an electronic communication device in a  
18 hands-free mode.

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

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

24 (2) A health care professional in the course of an emergency  
25 situation.

26 (3) A person ~~receiving safety-related information including~~  
27 ~~emergency, traffic, or weather alerts~~ using an electronic  
28 communication device for the purpose of reporting an emergency  
29 situation, including any continued communication with emergency  
30 personnel during the emergency situation.

31 (4) A person using an electronic communication device  
32 by pressing a single button to initiate or terminate a voice  
33 communication.

34 3. Nothing in this section shall be construed to authorize  
35 a peace officer to confiscate a ~~portable~~ an electronic

1 communication device from the driver or occupant of a motor  
2 vehicle.

3 4. ~~a.~~ A person convicted of a violation of this section  
4 is guilty of a simple misdemeanor punishable as a scheduled  
5 violation under [section 805.8A, subsection 14](#), paragraph "1".

6 ~~b.~~ A violation of this section shall not be considered a  
7 moving violation for purposes of [this chapter](#) or rules adopted  
8 pursuant to [this chapter](#).

9 5. A peace officer shall not stop or detain a person solely  
10 for a suspected violation of [this section](#). [This section](#) is  
11 enforceable by a peace officer only as a secondary action when  
12 the driver of a motor vehicle has been stopped or detained for  
13 a suspected violation of another provision of [this chapter](#), a  
14 local ordinance equivalent to a provision of [this chapter](#), or  
15 other law.

16 6. 5. The department, in cooperation with the department of  
17 public safety, shall establish educational programs to foster  
18 compliance with the requirements of [this section](#).

19 Sec. 3. Section 321.555, subsection 2, Code 2017, is amended  
20 to read as follows:

21 2. Six or more of any separate and distinct offenses within  
22 a two-year period in the operation of a motor vehicle, which  
23 are required to be reported to the department by section  
24 321.491 or [chapter 321C](#), except equipment violations, parking  
25 violations as defined in [section 321.210](#), violations of  
26 registration laws, violations of [sections 321.445](#) and [321.446](#),  
27 ~~violations of [section 321.276](#)~~, operating a vehicle with an  
28 expired license or permit, failure to appear, weights and  
29 measures violations and speeding violations of less than  
30 fifteen miles per hour over the legal speed limit.

31 Sec. 4. Section 805.8A, subsection 14, paragraph 1, Code  
32 2017, is amended to read as follows:

33 1. ~~Text-messaging~~ Use of electronic communication device  
34 while driving violations. For violations under [section 321.276](#),  
35 the scheduled fine is thirty dollars.

1

EXPLANATION

2

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

3

4 Under current law, Code section 321.276 prohibits the  
5 use of hand-held electronic communication devices to write,  
6 send, or read text messages while driving a motor vehicle.  
7 This bill expands that provision to prohibit any use of an  
8 electronic communication device while driving. An electronic  
9 communication device is a device capable of being used to  
10 compose, send, receive, or read an electronic message, and  
11 includes telephones, personal digital assistants, and portable  
12 or mobile computers, but does not include devices that are  
13 integrated into the vehicle. An electronic message is a  
14 self-contained piece of digital communication, whether verbal  
15 or written, that is designed or intended to be transmitted  
16 between electronic communication devices, and includes  
17 telephone calls, video calls, electronic mail, text messages,  
18 instant messages, and commands or requests to access an  
19 internet site.

20 The bill includes in the prohibition the use of a global  
21 positioning system or navigation system on an electronic  
22 communication device, and exempts the use of an electronic  
23 communication device for the purpose of reporting an emergency  
24 situation, or by pressing a single button to initiate or  
25 terminate a voice communication.

26 The bill eliminates the provision prohibiting a peace  
27 officer from stopping or detaining a person solely for a  
28 suspected violation of Code section 321.276, and makes a  
29 violation of Code section 321.276 a moving violation. Under  
30 current law, a moving violation can be considered for purposes  
31 of administrative suspension of a driver's license or to  
32 establish habitual offender status.

33 The bill rewords the applicable scheduled fine provision to  
34 comply with the bill. The scheduled fine for a violation of  
35 Code section 321.276 remains \$30. Under Code section 321.482A,

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1 if the violation causes a serious injury, a court could impose  
2 an additional fine of \$500 or suspend the person's driver's  
3 license for not more than 90 days, or both. If the violation  
4 causes a death, a court could impose an additional fine of  
5 \$1,000 or suspend the person's driver's license for not more  
6 than 180 days, or both.