

**House File 2119 - Introduced**

HOUSE FILE 2119

BY A. MEYER

**A BILL FOR**

1 An Act relating to the use of an electronic communication  
2 device in a voice-activated or hands-free mode while  
3 driving, and providing penalties.

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

1 Section 1. Section 321.210, subsection 2, paragraph e, Code  
2 2020, is amended by striking the paragraph.

3 Sec. 2. Section 321.276, subsection 1, Code 2020, is amended  
4 by striking the subsection and inserting in lieu thereof the  
5 following:

6 1. For purposes of this section:

7 a. *“Electronic communication device”* means an electronic  
8 device capable of being used to compose, send, receive, or  
9 read an electronic message. *“Electronic communication device”*  
10 includes but is not limited to a telephone, personal digital  
11 assistant, and portable or mobile computer.

12 b. *“Voice-activated or hands-free mode”* means an attachment,  
13 accessory, application, wireless connection, or built-in  
14 feature of an electronic communication device or motor vehicle  
15 that allows a person to use verbal or single-touch commands to  
16 activate or deactivate the device or a function or software  
17 application of the device. *“Voice-activated or hands-free  
18 mode”* does not include accessing nonnavigation video content,  
19 engaging in a video call, accessing or engaging in video  
20 streaming, accessing gaming data, or reading an electronic  
21 message.

22 Sec. 3. Section 321.276, subsections 2, 3, and 4, Code 2020,  
23 are amended to read as follows:

24 2. A person shall not use a ~~hand-held~~ an electronic  
25 communication device ~~to write, send, or view an electronic~~  
26 ~~message~~ while driving a motor vehicle unless the motor vehicle  
27 is at a complete stop off the traveled portion of the roadway.

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

35 b. The provisions of **this subsection** relating to ~~writing,~~

1 ~~sending, or viewing an electronic message~~ the use of an  
2 electronic communication device do not apply to the following  
3 persons:

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

6 (2) A health care professional in the course of an emergency  
7 situation.

8 (3) A person receiving safety-related information including  
9 emergency, ~~traffic~~, or weather alerts.

10 (4) A person using an electronic communication device for  
11 the purpose of reporting an emergency situation, including any  
12 continued communication with emergency personnel during the  
13 emergency situation.

14 3. Nothing in [this section](#) shall be construed to authorize  
15 a peace officer to confiscate a ~~hand-held~~ an electronic  
16 communication device from the driver or occupant of a motor  
17 vehicle.

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

21 *b.* A violation of this section shall ~~not~~ be considered a  
22 moving violation for purposes of [this chapter](#) or rules adopted  
23 pursuant to [this chapter](#).

24 *c.* Notwithstanding paragraphs "a" and "b", a peace officer  
25 shall issue a warning memorandum in lieu of a citation to a  
26 person for violating this section. This paragraph is repealed  
27 January 1, 2021.

28 Sec. 4. Section 321.555, subsection 2, Code 2020, is amended  
29 to read as follows:

30 2. Six or more of any separate and distinct offenses within  
31 a two-year period in the operation of a motor vehicle, which  
32 are required to be reported to the department by section  
33 321.491 or [chapter 321C](#), except equipment violations, parking  
34 violations as defined in [section 321.210](#), violations of  
35 registration laws, violations of [sections 321.445](#) and [321.446](#),

1 ~~violations of section 321.276~~, operating a vehicle with an  
2 expired license or permit, failure to appear, weights and  
3 measures violations and speeding violations of less than  
4 fifteen miles per hour over the legal speed limit.

5 Sec. 5. Section 707.6A, subsection 2, paragraph a,  
6 subparagraphs (1), (2), and (3), Code 2020, are amended by  
7 striking the subparagraphs and inserting in lieu thereof the  
8 following:

9 (1) For purposes of this paragraph "a", a person's use of an  
10 electronic communication device while driving a motor vehicle  
11 shall be considered prima facie evidence that the person was  
12 driving the motor vehicle in a reckless manner with willful  
13 or wanton disregard for the safety of persons or property, in  
14 violation of section 321.277.

15 (2) Subparagraph (1) does not apply to any of the following:

16 (a) A member of a public safety agency, as defined in  
17 section 34.1, performing official duties.

18 (b) A health care professional in the course of an emergency  
19 situation.

20 (c) A person receiving safety-related information including  
21 emergency or weather alerts.

22 (d) A person using an electronic communication device for  
23 the purpose of reporting an emergency situation, including any  
24 continued communication with emergency personnel during the  
25 emergency situation.

26 (e) A person using an electronic communication device in a  
27 voice-activated or hands-free mode.

28 (3) For purposes of this paragraph "a", the following  
29 definitions apply:

30 (a) "*Electronic communication device*" means the same as  
31 defined in section 321.276.

32 (b) "*Voice-activated or hands-free mode*" means the same as  
33 defined in section 321.276.

34 Sec. 6. Section 805.8A, subsection 14, paragraph 1, Code  
35 2020, is amended to read as follows:



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1 than 180 days, or both.

2     The bill makes corresponding changes to Code section 707.6A  
3 (homicide or serious injury by vehicle) to align the provisions  
4 of that Code section related to the use of an electronic  
5 communication device while driving to the provisions of Code  
6 section 321.276 as amended by the bill.