

**Senate File 76 - Introduced**

SENATE FILE 76  
BY LOFGREN

**A BILL FOR**

1 An Act relating to the use of an electronic communication  
2 device while driving, and providing penalties.  
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 2019, is amended by striking the paragraph.

3 Sec. 2. Section 321.276, subsection 1, Code 2019, 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. *“Electronic*  
12 *communication device”* does not include a device that is  
13 physically or electronically integrated into a motor vehicle,  
14 including but not limited to an integrated global positioning  
15 system or navigation system.

16 b. *“Electronic message”* means a self-contained piece of  
17 digital communication, whether verbal or written, that is  
18 designed or intended to be transmitted between electronic  
19 communication devices. *“Electronic message”* includes but is not  
20 limited to a telephone call, video call, electronic mail, text  
21 message, instant message, and command or request to access an  
22 internet site.

23 Sec. 3. Section 321.276, subsections 2, 3, and 4, Code 2019,  
24 are amended to read as follows:

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

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

1     *b.* The provisions of **this subsection** relating to ~~writing,~~  
2 ~~sending, or viewing an electronic message~~ the use of an  
3 electronic communication device do not apply to the following  
4 persons:

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

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

9       (3) A person ~~receiving safety-related information including~~  
10 ~~emergency, traffic, or weather alerts~~ using an electronic  
11 communication device for the purpose of reporting an emergency  
12 situation, including any continued communication with emergency  
13 personnel during the emergency situation.

14       (4) A person using an electronic communication device  
15 by pressing a single button to initiate or terminate a voice  
16 communication.

17     3. Nothing in **this section** shall be construed to authorize  
18 a peace officer to confiscate a ~~hand-held~~ an electronic  
19 communication device from the driver or occupant of a motor  
20 vehicle.

21     4. *a.* A person convicted of a violation of this section  
22 is guilty of a simple misdemeanor punishable as a scheduled  
23 violation under **section 805.8A, subsection 14**, paragraph "1".

24     *b.* A violation of this section shall ~~not~~ be considered a  
25 moving violation for purposes of **this chapter** or rules adopted  
26 pursuant to **this chapter**.

27     Sec. 4. Section 321.555, subsection 2, Code 2019, is amended  
28 to read as follows:

29     2. Six or more of any separate and distinct offenses within  
30 a two-year period in the operation of a motor vehicle, which  
31 are required to be reported to the department by section  
32 321.491 or **chapter 321C**, except equipment violations, parking  
33 violations as defined in **section 321.210**, violations of  
34 registration laws, violations of **sections 321.445 and 321.446**,  
35 ~~violations of **section 321.276**,~~ operating a vehicle with an

1 expired license or permit, failure to appear, weights and  
2 measures violations and speeding violations of less than  
3 fifteen miles per hour over the legal speed limit.

4 Sec. 5. Section 707.6A, subsection 2, paragraph a,  
5 subparagraphs (1), (2), and (3), Code 2019, are amended by  
6 striking the subparagraphs and inserting in lieu thereof the  
7 following:

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

14 (2) Subparagraph (1) shall not apply to any of the  
15 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 using an electronic communication device for  
21 the purpose of reporting an emergency situation, including any  
22 continued communication with emergency personnel during the  
23 emergency situation.

24 (d) A person using an electronic communication device  
25 by pressing a single button to initiate or terminate a voice  
26 communication.

27 (e) A person using an electronic communication device in a  
28 hands-free mode.

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

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

33 (b) "*Electronic message*" means the same as defined in  
34 section 321.276.

35 Sec. 6. Section 805.8A, subsection 14, paragraph 1, Code

1 2019, is amended to read as follows:

2 1. ~~Writing, sending, or viewing an~~ Use of electronic message  
3 communication device while driving violations. For violations  
4 under section 321.276, the scheduled fine is ~~thirty~~ one hundred  
5 dollars.

6 EXPLANATION

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

9 Under current law, Code section 321.276 prohibits the use  
10 of hand-held electronic communication devices to write, send,  
11 or view electronic messages while driving a motor vehicle.  
12 This bill expands Code section 321.276 to prohibit any use of  
13 an electronic communication device while driving. The bill  
14 defines "electronic communication device" to mean a device  
15 capable of being used to compose, send, receive, or read an  
16 electronic message. The term includes telephones, personal  
17 digital assistants, and portable or mobile computers. The  
18 term does not include devices physically or electronically  
19 integrated into a vehicle, including but not limited to an  
20 integrated global positioning system or navigation system. The  
21 bill defines "electronic message" to mean a self-contained  
22 piece of digital communication, whether verbal or written, that  
23 is designed or intended to be transmitted between electronic  
24 communication devices. The term includes telephone calls,  
25 video calls, electronic mail, text messages, instant messages,  
26 and commands or requests to access an internet site.

27 The bill exempts the use of an electronic communication  
28 device in a hands-free mode, for members of a public  
29 safety agency performing official duties, for health care  
30 professionals in the course of emergency situations, for the  
31 purpose of reporting an emergency situation, or by pressing a  
32 single button to initiate or terminate a voice communication.

33 The bill makes a violation of Code section 321.276 a moving  
34 violation. Under current law, a moving violation can be  
35 considered for purposes of administrative suspension of a

1 driver's license or to establish habitual offender status.

2 The bill increases the scheduled fine for a violation of Code  
3 section 321.276 from \$30 to \$100. Under Code section 321.482A,  
4 if the violation causes a serious injury, a court could impose  
5 an additional fine of \$500 or suspend the person's driver's  
6 license for not more than 90 days, or both. If the violation  
7 causes a death, a court could impose an additional fine of  
8 \$1,000 or suspend the person's driver's license for not more  
9 than 180 days, or both.

10 The bill makes corresponding changes to Code section 707.6A  
11 (homicide or serious injury by vehicle) to align the provisions  
12 of that Code section related to the use of an electronic  
13 communication device while driving to the provisions of Code  
14 section 321.276 as amended by the bill.