

House File 74 - Introduced

HOUSE FILE 74

BY HUNTER

A BILL FOR

1 An Act relating to hands-free operation of electronic
2 communication devices while driving, and making penalties
3 applicable.

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

1 Section 1. Section 321.276, subsection 1, paragraph b, Code
2 2021, is amended by striking the paragraph and inserting in
3 lieu thereof the following:

4 *b. "Fixed unit global positioning system or navigation*
5 *system"* means an electronic device mounted inside of a motor
6 vehicle that is capable of providing navigation directions to a
7 driver based on data entered into the device.

8 Sec. 2. Section 321.276, subsection 1, paragraph c, Code
9 2021, is amended to read as follows:

10 *c. "Hand-held electronic communication device"* means a mobile
11 telephone or other portable electronic communication device
12 capable of being used to write, send, or view an electronic
13 message. ~~"Hand-held electronic communication device" does not~~
14 ~~include a voice-operated or hands-free device which allows the~~
15 ~~user to write, send, or view an electronic message without the~~
16 ~~use of either hand except to activate or deactivate a feature~~
17 ~~or function. "Hand-held electronic communication device" does~~
18 not include a wireless communication device used to transmit or
19 receive data as part of a digital dispatch system. *"Hand-held*
20 *electronic communication device"* includes a device which is
21 temporarily mounted inside the motor vehicle, ~~unless the device~~
22 ~~is a voice-operated or hands-free device.~~

23 Sec. 3. Section 321.276, subsection 1, Code 2021, is amended
24 by adding the following new paragraph:

25 NEW PARAGRAPH. *od. "Mobile telephone"* means the same as
26 defined in 49 C.F.R. §383.5.

27 Sec. 4. Section 321.276, subsection 2, Code 2021, is amended
28 to read as follows:

29 2. A person shall not use a hand-held electronic
30 communication device ~~to write, send, or view an electronic~~
31 ~~message~~ while driving a motor vehicle unless the motor vehicle
32 is at a complete stop off the traveled portion of the roadway,
33 or unless the hand-held electronic communication device is
34 specifically designed and configured to allow hands-free
35 operation and is used in that manner while driving.

1 a. A person does not violate this section by using a fixed
2 unit global positioning system or navigation system ~~or when,~~
3 ~~for the purpose of engaging in a call, the person selects~~
4 ~~or enters a telephone number or name in a hand-held mobile~~
5 ~~telephone or activates, deactivates, or initiates a function of~~
6 a hand-held mobile telephone to receive navigation directions,
7 provided the person does not manually enter data into the fixed
8 unit global positioning system or navigation system while
9 operating the motor vehicle.

10 b. The provisions of this subsection relating to ~~writing,~~
11 ~~sending, or viewing an electronic message~~ the use of a
12 hand-held electronic communication device do not apply to the
13 following persons:

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

16 (2) A health care professional in the course of an emergency
17 situation.

18 (3) A person receiving safety-related information including
19 emergency, traffic, or weather alerts.

20 Sec. 5. Section 707.6A, subsection 2, paragraph a,
21 unnumbered paragraph 1, Code 2021, is amended to read as
22 follows:

23 Driving a motor vehicle in a reckless manner with willful
24 or wanton disregard for the safety of persons or property,
25 in violation of section 321.277. For the purposes of
26 this paragraph, a person's use of a hand-held electronic
27 communication device while driving a motor vehicle in violation
28 of section 321.276 shall be considered prima facie evidence
29 that the person was driving the motor vehicle in a reckless
30 manner with willful or wanton disregard for the safety of
31 persons or property, in violation of section 321.277.

32 Sec. 6. Section 707.6A, subsection 2, paragraph a,
33 subparagraphs (1), (2), and (3), Code 2021, are amended by
34 striking the subparagraphs.

35 Sec. 7. Section 805.8A, subsection 14, paragraph 1, Code

1 2021, is amended to read as follows:

2 ~~1. Writing, sending, or viewing an~~ Use of hand-held
3 electronic message communication device while driving
4 violations. For violations under section 321.276, the scheduled
5 fine is forty-five 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 This bill prohibits a person from using a hand-held
10 electronic communication device while driving a motor vehicle
11 unless the motor vehicle is at a complete stop off the traveled
12 portion of the roadway, or unless the hand-held electronic
13 communication device is specifically designed and configured
14 to allow hands-free operation and is used in that manner while
15 driving.

16 The bill provides that a person does not violate Code section
17 321.276 by using a fixed unit global positioning system or
18 navigation system to receive navigation directions, provided
19 the person does not manually enter data into the fixed unit
20 global positioning system or navigation system while operating
21 the vehicle.

22 A violation of Code section 321.276 is punishable by
23 a scheduled fine of \$45. The offense is not a moving
24 violation, and therefore cannot be considered for purposes of
25 administrative suspension of a driver's license or to establish
26 habitual offender status. However, if the violation causes a
27 serious injury, a court could impose an additional fine of \$500
28 or 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 The bill aligns provisions in Code section 707.6A (homicide
33 or serious injury by vehicle) relating to the use of a
34 hand-held electronic communication device to the provisions of
35 Code section 321.276 as amended by the bill.