

House Study Bill 561 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BEST)

A BILL FOR

1 An Act prohibiting the use of a hand-held electronic
2 communication device while driving in a road work zone or
3 school zone, providing penalties, and making penalties
4 applicable.

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

1 Section 1. Section 321.210, subsection 2, paragraph e, Code
2 2022, is amended to read as follows:

3 e. Violations of [section 321.276](#), subsection 2.

4 Sec. 2. Section 321.276, subsection 2, paragraph a, Code
5 2022, is amended to read as follows:

6 a. A person does not violate ~~this section~~ subsection by
7 using a global positioning system or navigation system or when,
8 for the purpose of engaging in a call, the person selects
9 or enters a telephone number or name in a hand-held mobile
10 telephone or activates, deactivates, or initiates a function of
11 a hand-held mobile telephone.

12 Sec. 3. Section 321.276, Code 2022, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 2A. A person shall not use a hand-held
15 electronic communication device for any purpose while driving
16 a motor vehicle in a road work zone or in a school zone
17 established pursuant to section 321.249.

18 Sec. 4. Section 321.276, subsection 4, paragraph b, Code
19 2022, is amended to read as follows:

20 b. A violation of ~~this section~~ subsection 2 shall not be
21 considered a moving violation for purposes of [this chapter](#)
22 or rules adopted pursuant to [this chapter](#). A violation of
23 subsection 2A shall be considered a moving violation for
24 purposes of this chapter or rules adopted pursuant to this
25 chapter.

26 Sec. 5. Section 321.555, subsection 2, Code 2022, is amended
27 to read as follows:

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

1 weights and measures violations and speeding violations of less
2 than fifteen miles per hour over the legal speed limit.

3 Sec. 6. Section 707.6A, subsection 2, paragraph a, Code
4 2022, is amended by adding the following new subparagraph:

5 NEW SUBPARAGRAPH. (03) For the purposes of this paragraph
6 "a", a person's use of a hand-held electronic communication
7 device for any purpose while driving a motor vehicle in a
8 road work zone or in a school zone established pursuant to
9 section 321.249 shall be considered prima facie evidence that
10 the person was driving the motor vehicle in a reckless manner
11 with willful or wanton disregard for the safety of persons or
12 property, in violation of section 321.277.

13 Sec. 7. Section 805.8A, subsection 14, paragraph 1, Code
14 2022, is amended to read as follows:

15 *1. ~~Writing, sending, or viewing an electronic message~~ Use*
16 *of hand-held electronic communication device while driving*
17 *violations.*

18 (1) For violations under section 321.276, subsection 2, the
19 scheduled fine is forty-five dollars.

20 (2) For violations under section 321.276, subsection 2A,
21 the scheduled fine is one hundred dollars.

22 EXPLANATION

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

25 Under current law, Code section 321.276 prohibits a person
26 from using a hand-held electronic communication device to
27 write, send, or view an electronic message while driving a
28 motor vehicle unless the motor vehicle is at a complete stop
29 off the traveled portion of the roadway. "Hand-held electronic
30 communication device" is defined as a mobile telephone or
31 other portable electronic communication device capable of
32 being used to write, send, or view an electronic message.
33 "Hand-held electronic communication device" does not include
34 a voice-operated or hands-free device which allows the user
35 to write, send, or view an electronic message without the use

1 of either hand except to activate or deactivate a feature or
2 function. The prohibition does not apply to the use of a
3 global positioning system or navigation system or when, for the
4 purpose of engaging in a call, the person selects or enters a
5 telephone number or name in a hand-held mobile telephone or
6 activates, deactivates, or initiates a function of a hand-held
7 mobile telephone. Persons engaged in public safety and
8 health care professions or persons who receive safety-related
9 information are exempt from the prohibition under certain
10 circumstances. A violation of Code section 321.276 is not
11 considered a moving violation and is a simple misdemeanor
12 punishable by a scheduled fine of \$45.

13 This bill prohibits the use of a hand-held electronic
14 communication device by any person while driving in a road work
15 zone or a school zone. The exceptions under current law for
16 global positioning or navigation systems, entering a telephone
17 number or name, public safety or health care professionals,
18 or persons receiving safety-related information do not apply
19 to this prohibition. A person convicted under the bill is
20 guilty of a simple misdemeanor punishable by a scheduled fine
21 of \$100 and the violation is considered a moving violation.
22 Under current law, a moving violation can be considered for
23 purposes of administrative suspension of a driver's license or
24 to establish habitual offender status.

25 By operation of law, under Code section 321.482A, if the
26 violation causes a serious injury, a court could impose an
27 additional fine of \$500 or suspend the person's driver's
28 license for not more than 90 days, or both. If the violation
29 causes a death, a court could impose an additional fine of
30 \$1,000 or suspend the person's driver's license for not more
31 than 180 days, or both.

32 Under current law, a person's use of a hand-held electronic
33 communication device to write, send, or view an electronic
34 message while driving a motor vehicle is considered prima facie
35 evidence that the person was driving the motor vehicle in a

1 reckless manner for purposes of Code section 707.6A (homicide
2 or serious injury by vehicle). The bill adds to this provision
3 a person's use of a hand-held electronic communication
4 device for any purpose while driving in a road work zone or
5 school zone. A person commits a class "C" felony when the
6 person unintentionally causes the death of another in this
7 manner, and a class "D" felony when the person unintentionally
8 causes serious injury in this manner. A class "C" felony is
9 punishable by confinement for no more than 10 years and a fine
10 of at least \$1,370 but not more than \$13,660. A class "D"
11 felony is punishable by confinement for no more than five years
12 and a fine of at least \$1,025 but not more than \$10,245.