

Senate Study Bill 1139 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

1 An Act relating to the use of an electronic communication
2 device 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 2021, is amended by striking the paragraph.

3 Sec. 2. Section 321.276, subsection 1, Code 2021, 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 2021,
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 2021, 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 2021, are amended by
6 striking the subparagraphs and inserting in lieu thereof the
7 following:

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

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

15 (a) A person using an electronic communication device in a
16 hands-free mode.

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

19 (c) A health care professional in the course of an emergency
20 situation.

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

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

28 (3) For purposes of this paragraph "a", "electronic
29 communication device" means the same as defined in section
30 321.276.

31 Sec. 6. Section 805.8A, subsection 14, paragraph 1, Code
32 2021, is amended to read as follows:

33 ~~1. Writing, sending, or viewing an~~ Use of electronic message
34 communication device while driving violations. For violations
35 under section 321.276, the scheduled fine is ~~forty-five~~ one

1 hundred dollars.

2

EXPLANATION

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

4

5 Under current law, Code section 321.276 prohibits the use
6 of hand-held electronic communication devices to write, send,
7 or view electronic messages while driving a motor vehicle.
8 This bill expands Code section 321.276 to prohibit any use
9 of an electronic communication device while driving. The
10 bill defines the terms "electronic communication device" and
11 "electronic message".

12 The bill exempts the use of an electronic communication
13 device in a hands-free mode, for members of a public
14 safety agency performing official duties, for health care
15 professionals in the course of emergency situations, for the
16 purpose of reporting an emergency situation, or by pressing a
17 single button to initiate or terminate a voice communication.

18 The bill makes a violation of Code section 321.276 a moving
19 violation. Under current law, a moving violation can be
20 considered for purposes of administrative suspension of a
21 driver's license or to establish habitual offender status.

22 The bill increases the scheduled fine for a violation of Code
23 section 321.276 from \$45 to \$100. Under Code section 321.482A,
24 if the violation causes a serious injury, a court could impose
25 an additional fine of \$500 or suspend the person's driver's
26 license for not more than 90 days, or both. If the violation
27 causes a death, a court could impose an additional fine of
28 \$1,000 or suspend the person's driver's license for not more
29 than 180 days, or both.

30 The bill makes corresponding changes to Code section 707.6A
31 (homicide or serious injury by vehicle) to align the provisions
32 of that Code section related to the use of an electronic
33 communication device while driving to the provisions of Code
34 section 321.276 as amended by the bill.