

House File 2595 - Introduced

HOUSE FILE 2595

BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO HSB 707)

A BILL FOR

1 An Act relating to traffic violations and enforcement,
2 including the use of an electronic device while driving
3 and the use of automated or remote systems for traffic
4 law enforcement, providing penalties, making penalties
5 applicable, and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

USE OF ELECTRONIC DEVICES WHILE DRIVING

1
2 Section 1. Section 321.178, subsection 2, paragraph
3 a, subparagraph (2), Code 2024, is amended by striking the
4
5 subparagraph.

6 Sec. 2. Section 321.178, subsection 2, paragraphs b and c,
7 Code 2024, are amended to read as follows:

8 ~~b. The department may suspend a restricted driver's license~~
9 ~~issued under [this section](#) upon receiving satisfactory evidence~~
10 ~~that the licensee has violated the restrictions imposed under~~
11 ~~paragraph "a", subparagraph (2), subparagraph division (a).~~
12 The department may also suspend a restricted license issued
13 under [this section](#) upon receiving a record of the person's
14 conviction for one violation and shall revoke the license upon
15 receiving a record of conviction for two or more violations
16 of a law of this state or a city ordinance regulating the
17 operation of motor vehicles on highways, other than parking
18 violations as defined in [section 321.210](#). After revoking a
19 license under [this section](#) the department shall not grant an
20 application for a new license or permit until the expiration
21 of one year or until the person attains the age of eighteen,
22 whichever is the longer period.

23 ~~c. A person who violates the restrictions imposed under~~
24 ~~paragraph "a", subparagraph (2), subparagraph division (a),~~
25 ~~may be issued a citation under [this section](#) and shall not be~~
26 ~~issued a citation under [section 321.193](#). A violation of the~~
27 ~~restrictions imposed under paragraph "a", subparagraph (2),~~
28 ~~subparagraph division (a), shall not be considered a moving~~
29 ~~violation.~~

30 Sec. 3. Section 321.180B, subsection 3, paragraph b, Code
31 2024, is amended to read as follows:

32 b. The department may suspend an instruction permit,
33 intermediate license, or full license issued under [this section](#)
34 upon receiving satisfactory evidence that the person issued
35 the instruction permit, intermediate license, or full license

1 violated the restrictions imposed under subsection ~~17~~ or 27 ~~or~~
2 6 during the term of the instruction permit or intermediate
3 license.

4 Sec. 4. Section 321.180B, subsection 6, Code 2024, is
5 amended by striking the subsection.

6 Sec. 5. Section 321.180B, subsection 7, Code 2024, is
7 amended to read as follows:

8 7. *Citations for violation of restrictions.* A person who
9 violates the restrictions imposed under subsection ~~17~~ or 27 ~~or~~
10 6 may be issued a citation under [this section](#) and shall not be
11 issued a citation under [section 321.193](#). A violation of the
12 restrictions imposed under [subsection 17](#) or 27 ~~or 6~~ shall not
13 be considered a moving violation.

14 Sec. 6. Section 321.194, subsection 2, paragraph b,
15 subparagraph (2), Code 2024, is amended by striking the
16 subparagraph.

17 Sec. 7. Section 321.210, subsection 2, paragraph e, Code
18 2024, is amended by striking the paragraph.

19 Sec. 8. Section 321.238, Code 2024, is amended to read as
20 follows:

21 **321.238 Use of electronic devices while driving — preemption**
22 **of local legislation.**

23 The provisions of [this chapter](#) restricting the use of
24 electronic ~~communication devices and electronic entertainment~~
25 devices by motor vehicle operators shall be implemented
26 uniformly throughout the state. Such provisions shall preempt
27 any county or municipal ordinance regarding the use of an
28 electronic ~~communication device or electronic entertainment~~
29 device by a motor vehicle operator. In addition, a county or
30 municipality shall not adopt or continue in effect an ordinance
31 regarding the use of an electronic ~~communication device or~~
32 ~~electronic entertainment~~ device by a motor vehicle operator.

33 Sec. 9. Section 321.276, subsection 1, Code 2024, is amended
34 by striking the subsection and inserting in lieu thereof the
35 following:

1 1. For purposes of this section:

2 a. *“Electronic device”* means a device that is powered by
3 electricity, including by a battery, and that is capable of
4 being used to compose, send, receive, or read an electronic
5 message, or that is capable of storing, retrieving on-demand,
6 or displaying videos, movies, broadcast television images,
7 visual images, or audio or video data files. *“Electronic*
8 *device”* includes but is not limited to a telephone including
9 a cellular telephone, personal digital assistant, portable
10 or mobile computer including a tablet, two-way messaging
11 device, electronic gaming device, and any substantially similar
12 portable device that is used to initiate, store, or receive
13 electronic communication, information, or data. *“Electronic*
14 *device”* does not include a device that is physically or
15 electronically integrated into a motor vehicle, including but
16 not limited to an integrated global positioning system or
17 navigation system when the destination is entered into such
18 system before the vehicle is in motion.

19 b. *“Use”* includes but is not limited to holding, physically
20 supporting with any part of a person’s body, viewing, or
21 manually entering letters, numbers, or symbols on an electronic
22 device. *“Use”* does not include any of the following, so long as
23 a person does not manually enter letters, numbers, or symbols
24 while holding the device:

25 (1) Holding an electronic device directly near a person’s
26 ear or with the speaker phone function activated for the
27 purpose of making, receiving, or conducting a telephone call.

28 (2) Receiving a wireless message on an electronic device
29 regarding the operation or navigation of a motor vehicle,
30 safety-related information including emergency, traffic, or
31 weather alerts, or data used primarily by the motor vehicle.

32 (3) Using an electronic device for navigation purposes.

33 c. *“Voice-activated or hands-free mode”* means an attachment,
34 accessory, application, wireless connection, or built-in
35 feature of an electronic device or motor vehicle that allows

1 a person to use verbal commands or a single touch to activate
2 or deactivate the device or a function or software application
3 of the device. *"Voice-activated or hands-free mode"* does not
4 include accessing nonnavigation video content, engaging in a
5 video call, accessing or engaging in video streaming, accessing
6 gaming data, or reading an electronic message or notification.

7 Sec. 10. Section 321.276, subsections 2, 3, and 4, Code
8 2024, are amended to read as follows:

9 2. A person shall not use a ~~hand-held~~ an electronic
10 ~~communication device to write, send, or view an electronic~~
11 ~~message while driving a motor vehicle unless.~~ For purposes of
12 this subsection, a person is not driving a motor vehicle if the
13 motor vehicle is at a complete stop at a traffic control signal
14 or device that is directing the person to stop, on a roadway
15 due to an emergency or road closure, or off the traveled
16 portion of the roadway, or as far away from the center of the
17 roadway as is practicable if the vehicle cannot be entirely
18 removed from the traveled portion of the roadway.

19 a. A person does not violate this section by using a ~~global~~
20 ~~positioning system or navigation system or when, for the~~
21 ~~purpose of engaging in a call, the person selects or enters a~~
22 ~~telephone number or name in a hand-held mobile telephone or~~
23 ~~activates, deactivates, or initiates a function of a hand-held~~
24 ~~mobile telephone~~ an electronic device in a voice-activated or
25 hands-free mode.

26 b. The provisions of **this subsection** relating to ~~writing,~~
27 ~~sending, or viewing an electronic message~~ the use of an
28 electronic device do not apply to the following persons:

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

31 (2) A health care professional in the course of an emergency
32 situation.

33 (3) A person ~~receiving safety-related information including~~
34 ~~emergency, traffic, or weather alerts~~ using an electronic
35 device for the purpose of reporting an emergency situation,

1 including any continued communication with emergency personnel
2 during the emergency situation, or public transit personnel
3 responding to a transit-specific situation.

4 (4) A utility maintenance employee or contractor using
5 an electronic device while in a utility maintenance vehicle,
6 and responding to an emergency, power outage, or circumstance
7 that affects the health or safety of individuals, provided the
8 employee or contractor is acting within the scope of their
9 employment or agency.

10 (5) A person operating a commercial motor vehicle while
11 using a mobile data terminal that transmits and receives data.

12 (6) A person storing an electronic device in a holster,
13 harness, or article of clothing on the person's body.

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~~ and rules
23 adopted pursuant to this chapter.

24 *c.* Notwithstanding section 321.210 or any provision of
25 this chapter to the contrary, but subject to subsection 6,
26 the department may suspend the driver's license of a person
27 convicted of a violation of this section for a period not to
28 exceed ninety days.

29 *d.* Notwithstanding paragraphs "a" and "b", a peace officer
30 shall issue a warning memorandum in lieu of a citation to a
31 person for violating this section. This paragraph is repealed
32 January 1, 2025.

33 Sec. 11. Section 321.276, Code 2024, is amended by adding
34 the following new subsections:

35 NEW SUBSECTION. 6. *a.* In lieu of the penalties provided

1 under subsection 4, a person may attend and successfully
2 complete, at the person's own expense, a driver improvement
3 program approved by the department. To be eligible, the
4 person shall notify the clerk of court prior to the date of
5 the person's court appearance as indicated on the citation
6 that the person intends to attend and successfully complete a
7 driver improvement program, and shall submit to the clerk of
8 court written verification that the person completed the driver
9 improvement program, signed by the instructor of the program,
10 within ninety days of the violation.

11 *b.* A person who notifies the clerk of court that the person
12 intends to successfully complete a driver improvement program
13 pursuant to paragraph "a", but who does not submit the required
14 written verification that the person successfully completed
15 the driver improvement program to the clerk of court within
16 ninety days of the violation, shall be subject to the penalties
17 described in subsection 4 on the ninety-first day after the
18 violation.

19 NEW SUBSECTION. 7. The department of public safety shall
20 submit a report to the general assembly on or before January
21 31 each year detailing the number of citations issued for
22 violations under this section during the previous calendar
23 year. The report must include statistics detailing the race of
24 each person cited.

25 Sec. 12. Section 321.482A, unnumbered paragraph 1, Code
26 2024, is amended to read as follows:

27 Notwithstanding [section 321.482](#), a person who is convicted
28 of operating a motor vehicle in violation of ~~section 321.178,~~
29 ~~subsection 2, paragraph "a", subparagraph (2), section~~
30 ~~321.180B, subsection 6, [section 321.194](#), ~~subsection 2,~~~~
31 ~~paragraph "b", subparagraph (2), [section 321.256](#), [321.257](#),~~
32 ~~section 321.275, subsection 4, [section 321.276](#), [321.297](#),~~
33 ~~[321.298](#), [321.299](#), [321.302](#), [321.303](#), [321.304](#), [321.305](#), [321.306](#),~~
34 ~~[321.307](#), [321.311](#), [321.319](#), [321.320](#), [321.321](#), [321.322](#), [321.323](#),~~
35 ~~[321.324](#), [321.324A](#), [321.327](#), [321.329](#), [321.333](#), section 321.372,~~

1 subsection 3, or [section 321.449B](#), causing serious injury to
2 or the death of another person may be subject to the following
3 penalties in addition to the penalty provided for a scheduled
4 violation in [section 805.8A](#) or any other penalty provided by
5 law:

6 Sec. 13. Section 321.555, subsection 2, Code 2024, is
7 amended to read as follows:

8 2. Six or more of any separate and distinct offenses within
9 a two-year period in the operation of a motor vehicle, which
10 are required to be reported to the department by section
11 321.491 or [chapter 321C](#), except equipment violations, parking
12 violations as defined in [section 321.210](#), violations of
13 registration laws, violations of [sections 321.445](#) and [321.446](#),
14 ~~violations of [section 321.276](#)~~, operating a vehicle with an
15 expired license or permit, failure to appear, weights and
16 measures violations and speeding violations of less than
17 fifteen miles per hour over the legal speed limit.

18 Sec. 14. Section 707.6A, subsection 2, paragraph a,
19 subparagraphs (1), (2), and (3), Code 2024, are amended by
20 striking the subparagraphs and inserting in lieu thereof the
21 following:

22 (1) For purposes of this paragraph "a", a person's use of
23 an electronic device while driving a motor vehicle shall be
24 considered prima facie evidence that the person was driving
25 the motor vehicle in a reckless manner with willful or wanton
26 disregard for the safety of persons or property, in violation
27 of section 321.277.

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

29 (a) A person using an electronic device in a voice-activated
30 or hands-free mode.

31 (b) A person listed in section 321.276, subsection 2,
32 paragraph "b".

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

35 (a) "Electronic device" means the same as defined in section

1 321.276.

2 (b) "Use" means the same as defined in section 321.276.

3 (c) "Voice-activated or hands-free mode" means the same as
4 defined in section 321.276.

5 Sec. 15. Section 805.8A, subsection 4, paragraph c, Code
6 2024, is amended by striking the paragraph.

7 Sec. 16. Section 805.8A, subsection 14, paragraph 1, Code
8 2024, is amended to read as follows:

9 1. ~~Writing, sending, or viewing an~~ Use of electronic message
10 device while driving violations. For violations under section
11 321.276, the scheduled fine is ~~forty-five dollars.~~ as follows:

12 (1) One hundred fifty dollars for a first violation.

13 (2) Two hundred fifty dollars if the violation is within two
14 years of a prior violation.

15 (3) Five hundred dollars if the violation is a third or
16 subsequent violation within two years.

17 DIVISION II

18 AUTOMATIC TRAFFIC ENFORCEMENT PROHIBITED

19 Sec. 17. NEW SECTION. 321.492C Use of automated or remote
20 systems for traffic law enforcement prohibited — sharing related
21 information prohibited.

22 1. The state or a local authority shall not place or cause
23 to be placed on or adjacent to a highway, or maintain or employ
24 the use of, any automated or remote system for traffic law
25 enforcement.

26 2. The department of transportation and the department of
27 public safety shall not share or provide information used to
28 impose or collect a civil penalty that results from a violation
29 captured by an automated or remote system for traffic law
30 enforcement through any existing interstate compact that does
31 not specifically allow or require information to be shared or
32 provided for that explicit purpose.

33 3. For purposes of this section, "automated or remote system
34 for traffic law enforcement" means a camera or other optical
35 device designed to work in conjunction with an official traffic

1 control signal or speed measuring device to identify motor
2 vehicles operating in violation of traffic laws, the use of
3 which results in the issuance of citations sent through the
4 mail or by electronic means.

5 Sec. 18. REMOVAL OF AUTOMATED OR REMOTE SYSTEMS FOR TRAFFIC
6 LAW ENFORCEMENT — VALIDITY OF PRIOR CITATIONS. Prior to July
7 1, 2025, a local authority using an automated or remote system
8 for traffic law enforcement shall discontinue using the system
9 and remove the system equipment. On and after July 1, 2025,
10 all local ordinances authorizing the use of automated or remote
11 systems for traffic law enforcement are void. However, any
12 citation issued or mailed pursuant to such an ordinance prior
13 to July 1, 2025, shall not be invalidated by the enactment of
14 this division of this Act and shall be processed according to
15 the provisions of law under which the citation was authorized.

16 Sec. 19. EFFECTIVE DATE. The section of this division of
17 this Act enacting section 321.492C takes effect July 1, 2025.

18 EXPLANATION

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

21 USE OF ELECTRONIC DEVICES WHILE DRIVING. Under current law,
22 Code section 321.276 prohibits the use of hand-held electronic
23 communication devices to write, send, or view electronic
24 messages while driving a motor vehicle. This bill expands Code
25 section 321.276 to prohibit any use of an electronic device
26 while driving. The bill defines the terms "electronic device",
27 "use", and "voice-activated or hands-free mode". The bill
28 excludes certain actions while behind the wheel of a motor
29 vehicle from being considered "driving" for purposes of the
30 bill, such as being stopped at a stop light.

31 The bill authorizes persons to use an electronic device in
32 a voice-activated or hands-free mode, with the speaker phone
33 function engaged, while holding the phone in close proximity
34 to the person's ear, or for navigation purposes. The bill
35 excludes certain persons from the prohibition, including a

1 person reporting an emergency situation, a utility maintenance
2 employee or contractor responding to an emergency, power
3 outage, or circumstance that affects the health or safety of
4 individuals, a person operating a commercial motor vehicle
5 while using a mobile data terminal that transmits and receives
6 data, and a person storing an electronic device in a holster,
7 harness, or article of clothing on the person's body.

8 The bill makes a violation of Code section 321.276 a moving
9 violation. Under current law, a moving violation can be
10 considered for purposes of administrative suspension of a
11 driver's license (Code section 321.210; 761 IAC 615.12) or to
12 establish habitual offender status (Code section 321.555).
13 However, a peace officer is required to issue a warning
14 memorandum in lieu of a citation for violations that occur
15 during the period between the effective date of the bill and
16 January 1, 2025.

17 The bill increases the scheduled fine for a violation of Code
18 section 321.276 from \$45 to \$150, and further increases the
19 penalty for a second (\$250) and a third or subsequent (\$500)
20 violation within two years. In addition, the department of
21 transportation (DOT) may suspend a person's driver's license
22 for up to 90 days. However, the bill allows a person to attend
23 and successfully complete, at the person's own expense, a
24 driver improvement program approved by the DOT in lieu of the
25 penalties. To be eligible, the person must notify the clerk of
26 court prior to the date of the person's court appearance that
27 the person intends to attend and successfully complete a driver
28 improvement program, and must submit to the clerk of court
29 written verification that the person completed the program,
30 signed by the instructor of the program, within 90 days of the
31 violation. If a person notifies the clerk of court of the
32 person's intent to complete the program but fails to submit the
33 required verification of completion within 90 days, the person
34 is subject to the penalties.

35 Under Code section 321.482A, if a person is convicted for a

1 violation and the violation causes a serious injury, a court
2 could impose an additional fine of \$500 or suspend the person's
3 driver's license for not more than 90 days, or both. If a
4 person is convicted for a violation and the violation causes
5 a death, a court could impose an additional fine of \$1,000 or
6 suspend the person's driver's license for not more than 180
7 days, or both. By operation of law, a person issued a warning
8 memorandum under the bill is not subject to the enhanced
9 penalties under Code section 321.482A.

10 The bill makes corresponding changes to Code sections
11 321.238 (preemption of local legislation) and 707.6A (homicide
12 or serious injury by vehicle) to align those provisions to the
13 provisions of Code section 321.276 as amended by the bill.
14 The bill also makes corresponding changes to Code sections
15 321.178, 321.180B, and 321.194, by striking provisions relating
16 to the use of electronic communication devices while driving
17 by persons under the age of 18 who are issued certain types
18 of driver's licenses, thereby making Code section 321.276 as
19 amended by the bill applicable to such persons.

20 **AUTOMATED TRAFFIC ENFORCEMENT PROHIBITED.** On and after July
21 1, 2025, the bill prohibits the state or a local authority from
22 placing or causing to be placed on or adjacent to a highway, or
23 maintaining or employing the use of, any automated or remote
24 system for traffic law enforcement (ATE system). The bill also
25 prohibits the department of transportation and the department
26 of public safety from providing information used to impose or
27 collect a civil penalty that results from a violation captured
28 by an ATE system through an existing interstate compact
29 agreement unless the agreement specifically allows or requires
30 that information to be shared or provided for that specific
31 purpose.

32 The bill defines "automated or remote system for traffic law
33 enforcement" to mean a camera or other optical device designed
34 to work in conjunction with an official traffic control signal
35 or speed measuring device to identify motor vehicles operating

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1 in violation of traffic laws, the use of which results in the
2 issuance of citations sent through the mail or by electronic
3 means.

4 The bill requires that prior to July 1, 2025, a local
5 authority using an ATE system must discontinue using the system
6 and remove the system equipment. On and after July 1, 2025,
7 all local ordinances authorizing the use of ATE systems are
8 void. However, the bill provides that any citation issued or
9 mailed pursuant to such an ordinance prior to July 1, 2025, is
10 not invalidated by the bill and must be processed according to
11 the provisions of law under which the citation was authorized.